

WQAG MEETING SUMMARY

January 14, 2008

DEP, 255 Rockville Pike, Suite 120, Rockville MD 20850

7:00 p.m.– 9:00 p.m.

Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Ed Brandt, public-at-large		✓	Lianne Reisner, IMPACT Silver Spring
Jill Coutts, scientific/academic	✓		Elnatan Reisner, graduate student
Kay Fulcomer, public-at-large	✓		Ben Stutz, Policy Analyst for Councilmember Ervin
Scott Kauff, public-at-large	✓		Sandy August, WSSC outreach
Lonnie Luther, agricultural		✓	Mark Symborski, MNCPPC Planning
Glenn Moglen, scientific/academic	✓		Ansu John, DEP
David Plummer, agricultural	✓		Steve Dryden, Stormwater Partners
Dusty Rood, Vice-Chair, business	✓		Ed Murtagh, Friends of Sligo Creek
Fred Samadani, agricultural	✓		Heather Phipps, Neighbors of Northwest Branch
Mary Segall, business	✓		
Larry Silverman, Chair, environmental	✓		
Mike Smith, environmental	✓		
Tanya Spano, environmental	✓		
Eileen Straughan, business	✓		
Ilisa Tawney, public-at-large	✓		
Martin Chandler, WSSC	✓		
Meo Curtis, DEP	✓		
Doug Redmond, MNCPPC	✓		

1. Welcome and agenda and summary. Chair Silverman

Chair Silverman opened the meeting at 7 p.m. with introductions around the room. He then asked for approval of the summary for the December 2007 meeting. Mike Smith requested a change under the Outreach Committee activities from "will finalize" to "will draft language" for a recommendation letter to the Executive and Council. A motion was made and seconded to amend the summary as requested. **The WQAG unanimously then approved the amended summary.**

2. Reports and Comments--Chair Silverman

Chair Silverman noted that the WQAG had received a response from the Executive concerning the letter on the Farm Bill. The Executive had indicated that the relevant Departments would hold further discussions on how to use Farm Bill funding to support Montgomery County agricultural activities. (*The WQAG letter and Executive response are attached to this summary for reference.*)

Chair Silverman expressed an interest in additional discussion about soliciting funding for agriculture, with a lead role by Lonnie Luther. Mr. Luther was ill and therefore absent from this meeting. Vice-Chair Rood suggested that the WQAG should speak up at future meetings on agricultural issues and pending county legislation including that for Forest Conservation and the Road Code.

Chair Silverman then moved to the Annual Report for 2007. The WQAG would meet in February before the annual meeting with the Executive, so Chair Silverman had prepared just a one-page outline (*attached*) of an extensive amount of information to include in the Annual Report. His goal for the annual report and meeting was to promote more discussion with the Executive and Council on their high priority water resource issues. Meo Curtis reminded the WQAG that the session with the Executive would include all three DEP Committees and that each group would have a maximum of 10 minutes for their presentation and discussion with the Executive.

He asked each WQAG member to provide one or two sentences about their stakeholder groups and experiences. Meo Curtis agreed to compile these brief biographies, submitted via e-mail, for inclusion in the report.

Meeting was adjourned at 9:10 p.m.

Next meeting: February 11, 2008

Meeting summary prepared by Meo Curtis, DEP

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Vice-Chair Rood suggested that the WQAG should identify 2 or 3 key questions to present to the Executive to help set agendas for next year. Tanya Spano noted that for the Outreach Committee, an important issue is to identify what other stakeholder and community groups within the County need to become involved in water resources protection. Fred Samadani recommended a priority be given to coordination between state and local agencies for making progress on Bay restoration and tributary strategies.

Chair Silverman will provide a draft report for consideration by the next WQAG meeting (February 11).

The annual meeting with the Executive is scheduled for Tuesday February 26 at 7:30 p.m. at the EOB. The Chair and Vice-Chair have been invited to represent the WQAG.

3. Council perspective. Ben Stutz, Policy Analyst for Councilmember Ervin

Ben Stutz was participating in this meeting on behalf of Councilmember Ervin, who had another engagement. He thanked the WQAG for inviting her to participate in the discussion on environmental outreach. He noted that Councilmember Ervin was the 'Environment' lead for the Council's Transportation and Environment Committee and very interested in protecting and improving the County's environmental resources. She had participated in the Citizens' Watershed Conference in October and had noted then the importance of increasing minority involvement in environmental issues and the need to improve the methods being used to convey environmental messages to diverse groups.

He had asked Lianne Reisner of IMPACT Silver Spring to this meeting because of her involvement with minority communities within that part of the County. Ms. Reisner noted that the mission of IMPACT, a non-profit group, is to empower multi-cultural members of the community so that they gain leadership skills to directly represent their own interests. IMPACT is not an advocate for any specific community groups, but rather 'bridges' the issues between under-represented communities and the County.

4. Outreach Committee--Ansu John, DEP Outreach Coordinator

Ansu John introduced herself as the new DEP Outreach Coordinator. She noted that DEP had been without outreach staff for some time and there was much interest within DEP to enhance its environmental outreach approach. She had prepared a presentation (*attached*) on DEP outreach resources. The presentation included an overview of existing DEP outreach initiatives, focusing on stream health and trash, and plans to improve environmental resource and DEP information available on the County web site and DEP web page.

In keeping with the interest expressed through e-mails prior to this meeting, she had prepared a few slides on the recommendations of the recently released state report on increasing minority involvement in environmental issues (<http://www.dnr.state.md.us/education/mtfreport.asp>). She felt that there was a definite local need and opportunity for increasing community-based involvement in order to achieve the overall goals in the report.

After her presentation, Ms. John asked the WQAG for their ideas on getting priority messages out to the general public. The suggestions included pursuing partnerships with other agencies already involved in the community (Department of Housing and Community Affairs, particularly with minority communities, Department of Parks, Department of Economic Development, Schools). For County Schools, there was a need to go beyond the teachers and classrooms to the school facility management to show environmental leadership by example. Other suggestions included using public areas for pilot projects with signs and contact information and to post a map with locations and descriptions of these pilot projects on the DEP web page.

Ed Murtagh noted that the FoSC intended to hold a workshop to focus on minority outreach. He mentioned a suggestion of establishing an umbrella group to coordinate existing watershed groups and to develop new community-based groups. Steve Dryden, Stormwater Partners, also noted that a full-time coordinator of watershed groups would be useful. He had met recently with residents in the Little Falls and in a portion of the Great Seneca to discuss the establishment of watershed groups in those areas. Members of the Rockville Chapter of the Izaak Walton League of America had held a meeting in Great Seneca on Sunday 1/13, and Mr. Dryden noted that much interest and workgroups for follow up activities had been established.

Chair Silverman asked Sandy August about WSSC plans for outreach. Ms. August mentioned a plan to turn the Brighton Dam Ranger Station and adjacent area into a demonstration site for residential runoff management with native plantings, rain garden, and rain barrels. She noted however the recent departure of the WSSC Outreach

WQAG MEETING SUMMARY

Coordinator and the lack of any identified funding which would prevent any immediate forward movement on these pilots.

The discussion then turned to focus more specifically on how to improve outreach to minorities. Issues mentioned included the need to identify how many different target groups there were in the County given its size and cultural diversity, to provide more opportunities for career training (e.g. through engineering and horticulture special programs with County schools), to create more 'comfort zones' for outreach activities by becoming involved in existing community functions (e.g. at churches and festivals), and to develop alliances with leaders within these existing community groups for introducing the environmental message at their events. The importance of incentives as simple as free tee-shirts and free lunches were also mentioned.

There was a brief discussion about two recent surveys conducted within the County. Ansu John noted preliminary results on environmental awareness from a DEP-sponsored, random-dial survey with 800 respondents. 79% of respondents felt the environment was extremely or very important at a personal level and a similarly high percentage indicated a willingness to change their behavior to reduce their environmental impacts. Global climate change was identified as the 'biggest' specific environmental issue of most personal concern. Scott Kauff asked about the cultural and economic distribution of respondents. Ms. Curtis read from the survey results that the respondents were culturally diverse with 52% white and each about equal African-American, Hispanic, and Asian. About 20% of respondents had refused to identify their household income, but about 20% indicated incomes of less than \$50,000, about 27% indicated incomes between \$50,000 and \$99,999; and about 15% about \$150,000 or greater. *(Note: In 2006, the median household income in the Washington region was \$90,300 for a family of four as posted for workforce housing guidelines http://www.montgomerycountymd.gov/dhctmpl.asp?url=/content/dhca/housing/housing_P/workforce/index.asp).*

Ms. Curtis noted a contrast with results from the Executive Branch survey about the County's quality of life. *(The full report is posted at http://www.montgomerycountymd.gov/content/pio/pdfs/2007_resident_survey_report.pdf)* There were 917 respondents to mailed questionnaires. According to respondents in that survey, crime, traffic, and public schools were the most important issues in the County. The environment and appearance of the County were identified as things they liked best in the County.

Ms. Spano will take the discussion points from this session and identify the major points in a one-page summary. Other suggestions included inviting speakers from non-environmental groups, dividing the recommendations into policy goals and implementation items, and to identify which would be easy (no new resources) and which would be long-term and require additional funding.

Mr. Murtagh noted that the FOSC would be having a workshop at the end of March with a focus on minority outreach. Via e-mails, The DEP and the WQAG Outreach Committee had indicated an interest in being involved. The FoSC Stormwater Committee would be holding a planning meeting on Thursday 1/24. Ms. Phipps mentioned that the Neighbors of Northwest Branch intended to have a similar workshop in April.

5. Next Meeting. Dusty Rood

Vice-Chair Rood noted that next month the WQAG was scheduled for follow up to the Farm Bill but that some time should be available to continue the discussion on outreach. He also mentioned several pieces of pending local legislation, e.g. the Forest Conservation Act update, the Road Code updates, and Global Warming that would be considered by Council Committees over the next several months. For Global Warming, Ms. Curtis suggested that the WQAG should contact the Energy and Air Quality Committee/ She agreed to forward contact information to the Chair, Vice-Chair, and Eileen Straughan, Chair of the Regulatory and Technical Committee.

6. Adjournment. Chair Sliverman

The meeting was adjourned about 9:10 p.m.

WQAG MEETING SUMMARY

Attachments

WQAG letter to Executive on Farm Bill funding
Executive letter to WQAG inresponse to above letter

Silverman outline for annual report

Presentation by Ansu John



RECEIVED

DEC 03 2007

Environmental
Protection

November 30, 2007

Honorable Isiah Leggett
County Executive
Montgomery County
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, MD 20850

Dear Mr. County Executive:

We spoke briefly at the Clean Water Partnership meeting at the end of October about the Farm Bill, now a center of attention in the Congress and within the Administration. You asked me to send you a note about it.

This letter reflects the views of the Water Quality Advisory Group. WQAG has taken a great interest in the Farm Bill and Montgomery County agriculture. We first discussed it at our August meeting in the Veirs Mill Local Park, and have reviewed it at every monthly meeting since then. This is because everyone in the Group understands that protection, improvement and support of agriculture in the County are essential keys to clean water and air.

We have two recommendations.

1. The County Executive, in consultation with the Council, should be working more closely with, collaborating more with, our Congressional delegation in order to insure that the Farm Bill will serve the citizens of Montgomery County.
2. The Executive and Council should articulate a statement of Montgomery County interests in the Farm Bill. In doing so, we encourage the Executive to hear from the County's many expert and informed people in agriculture, including the three distinguished agricultural representatives who serve on your Water Quality Advisory Group, as well as our experts on the Group in parks and forestry, and others to better understand and articulate Montgomery's long term interests in federal agricultural programs.

Here's the background:

The Farm Bill is a vast, controversial and complex collection of important decisions, affecting many sectors of our national life, from public health and nutrition, to trade, to the economy, to the environment. No one on our Group has a complete understanding of it. Nor are we able to predict how or when the contentious farm and food debate within the Senate, between the Senate and the House,

WATER QUALITY ADVISORY GROUP

255 Rockville Pike, Suite 120 • Rockville, Maryland 20850 • 240-777-7700, FAX 240-777-7752

and between the Congress and the President, will come out. What is very clear to us, however, is that Montgomery County has an important stake in its resolution.

Need for a Clear Statement of Interests: The Water Quality Advisory Group (WQAG) recommends that the Executive in consultation with the Council take time to articulate a statement of interests in the 2007-2008 federal farm legislation to our elected officials in Congress. This statement might include the following:

- The importance of agriculture in the County;
- Ways in which federal Farm Bill programs now provide assistance to Montgomery agriculture;
- Ways in which federal assistance to Montgomery agriculture can be enhanced to provide farmers with opportunities to implement best management practices that will improve water quality;
- The importance of Farm Bill conservation programs in Montgomery County and Statewide to the overall Chesapeake Bay clean-up effort, particularly nutrient and sediment control.
- The importance of greater federal support for regional and community forestry and re-forestation projects.

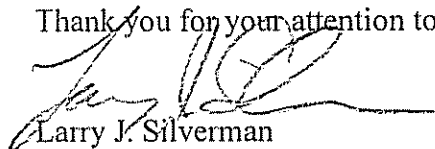
This information should be communicated in concise terms to the County's representatives in the Senate and the House. Such a clear statement will help them watch out for Montgomery's interests, and insure that conservation funds to protect our local waters and the Bay are included in the final bill. *Specific sections of special interest to our County are conservation cost sharing, the proposed Chesapeake Bay conservation program, and the community forestry and open space program.*

We recognize that the Farm Bill represents a number of opportunities in a variety of interests that affect the citizens of Montgomery County. You may already have staff tracking the nutrition, food stamp, bio-energy, and other important components of this legislation. The WQAG would like to also bring to your attention the valuable water quality benefits to be gained through the conservation programs the Farm Bill offers to farmers.

We want to emphasize the importance of timely action on this issue. The Farm Bill is typically only reauthorized every 5 years, so this current revision represents a critical opportunity to secure funding for agricultural and natural resource conservation in Montgomery County. **Please contact our Congressional representatives and encourage them to take an active role in Farm Bill legislation, and reinforce their understanding of how Farm Bill programs are valuable to our County, state, and the Chesapeake Bay.**

The WQAG would be pleased to answer any questions you or your staff have, or meet, as you may find helpful, at your convenience.

Thank you for your attention to this important matter.

A handwritten signature in black ink, appearing to read "Larry J. Silverman", with a stylized flourish extending to the right.

Larry J. Silverman

Chairman

On behalf of the Water Quality Advisory Group



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE MARYLAND 20850

Isiah Leggett
County Executive

December 21, 2007

Mr. Larry Silverman, Chair
Montgomery Water Quality Advisory Group
Montgomery County Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, Maryland 20850

Dear Mr. Silverman and WQAG Members:

Thank you for contacting me regarding the reauthorization of the Federal Farm Bill, currently under consideration in Congress. Your letter included many important policy issues that warrant not only the County's attention, but our active involvement. I value the thoughtful perspective of the Water Quality Advisory Group on all issues related to our local water resources as well as the health of the Chesapeake Bay.

As you have indicated in your letter, the Farm Bill is an extremely complex piece of legislation that is not easily influenced by local officials. While I will direct attention of our County agencies to address your recommendations, I also encourage WQAG members as engaged local citizens, to pursue this issue directly with their elected congressional officials. By copy of this letter, I am advising the Directors of the appropriate agencies to provide comments relative to their programs which are impacted by the Farm Bill. Based on this feedback, we will communicate with our Congressional representatives regarding Montgomery County's vested interest in Farm Bill programs.

I recognize that the window of opportunity for commenting on the Farm Bill is quite limited. Therefore, I will request an expedited response from my staff regarding federal funding, programs and opportunities related to the Farm Bill. Please know that we will make every effort to convey the important benefits this legislation provides for Montgomery County residents.

I would like to once again express my appreciation to the members of the Water Quality Advisory Group for bringing this matter to my attention, and for their dedication to enhancing the quality of our local waterways and the Chesapeake Bay.

Sincerely,

Isiah Leggett
County Executive

cc: Uma Ahluwalia, Director, Health and Human Services
Corinne Stevens, Health and Human Services
Jeremy Criss, DED, Agricultural Services
Bob Hoyt, Director, DEP

Introductory Discussion of Annual Report

“The Water Quality Advisory Group must recommend to the Executive and the Council by March 1 each year water quality goals, objectives, policies, and programs.”

1. Purpose of the annual report:
 - a. To make recommendations
 - b. To report on activities
 - c. To report on Group
 - d. To solicit input from elected officials
2. About WQAG:
 - a. High quality membership
 - b. Professionally diverse
 - c. Monthly meetings and frequent subcommittee meetings between formal gatherings: very hard working
 - d. Guest speakers: see attached list
 - e. Developing web page
 - f. Need for social/ethnic diversity to reflect range of water quality related neighborhood issues
3. Organization of Issues:
 - a. Outreach/Education
 - b. Technical/regulatory
 - c. Land Use
 - d. Cross Cutting Issue: Regionalism
4. Reports of subcommittees:
 - a. Outreach/Education:
 - i. Investigated environmental education in schools: generally satisfied.
 - ii. Looked at schools as land owners and stewards: detected progress and problems
 - iii. No recommendations at this time: uncertainty as to how to influence school board actions
 - iv. Outreach to community (1/14/08 meeting summary)
 - b. Land Use
 - i. Farm bill letter: discussion of next steps.
 - ii. Plan to develop recommendations on forest/tree ordinance and road ordinance
 - c. Regulatory/Technical
 - i. Reviewing large legislative changes, especially Water Quality Element requirement for land use plans and new stormwater law.
 - ii. Will make recommendations at appropriate time after the state's evolving actions and requirements become clearer.
 - iii. See attached reviews of state issues from Eileen Straughn and Fred Samadani
 - d. Regionalism: A topic for all groups
 - i. Goose management recommendations, an example of the need for better regional cooperation

5. Recommendations

- a. Schedule of deliverables

6. Attachments

- a. Member List
- b. Minutes of meetings
- c. Guest Speakers
- d. Letter on Farm Bill and response
- e. Letter on Goose Management and Response
- f. Eileen's Summary of regulatory developments
- g. Fred's Letter

Public Outreach Programs: Current Status



Montgomery County
Department of Environmental Protection

Public Participation: RainScapes

- County-wide program to improve storm water management and runoff conditions at the watershed level
- Household and neighborhood level projects to reduce runoff, **encouraged with rebates**
- Both financial and technical assistance is available
- Applicable for both residential and commercial property in Montgomery County¹



¹ Outside City of Rockville, Takoma Park or Gaithersburg

RainScapes Eligible Projects



Educational Initiatives

- DEP offers **service learning internships** for MCPS students with academic credit, for doing stream monitoring work.
- DEP works with Audubon Naturalist Society for **training on stream monitoring** for volunteers
- DEP supports MD-DNR's **Stream Waders** Volunteer Monitoring Program.



Web-based Outreach

- Major DEP Web site overhaul
- Proposed **Watershed** Outreach Site. Links to Include:
 - Enviromapper for Water/Surf Your Watershed
 - Watershed Funding Opportunities
 - Links to Watershed News, NewsNotes and Chesapeake Bay Foundation newsletters
 - Free Monthly Webinars and Web casts from EPA
 - Links to local, relevant groups including local watershed groups, local foundations and initiatives (e.g., Trash Free Potomac, Trash Free Anacostia)
- Media pieces currently being developed to engage public (will eventually be web deployed)



Web-based GIS and Data

- Web portal to GIS data layers and technical data
- Data dissemination is more resource-intensive (e.g., stream monitoring data, biological data)
- Previous (1998) Countywide assessment of stream conditions available on the Web (old technologies for graphics/maps)
- County's Map Server available for DEP to post map layers for citizens to explore (street grid background).



GIS Data Available

- 1) Watershed boundaries
 - a. Subwatershed boundaries: 12-digit boundaries
- 2) Streams (high resolution)
 - a. Hydro Line and Hydro Poly
- 3) Sewer Category Areas
 - a. Type of service, current and projected service
- 4) Stormdrain
 - a. Lines
 - b. Outlets
 - c. Inlets
 - d. Outfalls
- 5) Stormwater facilities
- 6) Wetlands
- 7) Conservation Easement areas
- 8) Agricultural Reserve areas
- 9) Floodplain boundaries

Stormwater/Trash

- Participation in Regional Efforts:
 - Trash-Free Potomac (financial commitment of \$25K)
 - Anacostia Watershed Society Earth Day Clean-Up and Fair
- Working with Anacostia Watershed Society (Hispanic Theater Outreach, EPA Environmental Education grant application)
- Participation in the **Long Branch Advisory Committee** on community improvements for a culturally and economically diverse portion of Mo.Co. (Includes improvements in the areas of trash management, youth engagement, and other topics related to watershed/outreach)



Moving Forward...

- DEP seeks your ideas on priority topics for outreach
- Remaining meeting time devoted to a facilitated feedback and discussion
- Desired Outcome:

A roadmap for outreach on water quality and watersheds, including a list of outreach topic priorities for DEP to pursue implementation, using staff, technical knowledge, programs, partnerships, and other resources.

Process and Roles

Roles:

- Each participant contributes outreach topics

Decision Process:

- Facilitator will list all ideas in a brainstorming session.
- Facilitator will poll for priority topics to be fleshed out during tonight's session.
- For each priority topic, the facilitator will gather group feedback on what sub-topics are important, how this outreach is best achieved, who develops the materials and delivers them, potential barriers, and existing resources that may be used. (Use Worksheet)
- Close by jointly prioritize the list of outreach topics.

Information management:

- Flipcharts will serve to record the topics (facilitator is also note taker) and will mirror the worksheet.

Success:

- A clear list of priority outreach topics for DEP to refer to as we develop programs and priorities.

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February 11, 2008

DEP, 255 Rockville Pike, Suite 120, Rockville MD 20850

7:00 p.m.– 9:00 p.m.

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Kay Fulcomer, public-at-large	✓		Mark Symborski, MNCPPC Planning
Scott Kauff, public-at-large	✓		
Lonnie Luther, agricultural	✓		
Glenn Moglen, scientific/academic	✓		
David Plummer, agricultural	✓		
Dusty Rood, Vice-Chair, business	✓		
Fred Samadani, agricultural	✓		
Mary Segall, business	✓		
Larry Silverman, Chair, environmental	✓		
Mike Smith, environmental	✓		
Tanya Spano, environmental	✓		
Eileen Straughan, business	✓		
Ilisa Tawney, public-at-large	✓		
Martin Chandler, WSSC		✓	
Meo Curtis, DEP	✓		
Doug Redmond, MNCPPC	✓		

Agenda Item	Action
1. Welcome and agenda and summary. Chair Silverman	Chair Silverman welcomed all to the meeting and asked for approval of the agenda and summary. The agenda was amended to include a presentation by Councilman Elrich and his aide Dale Tibbetts about the Forest Conservation Law. The summary was approved with minor editorial changes from Chair Silverman.
2. Forest Conservation Law	<p>Councilman Elrich and his aide Dale Tibbetts provided a presentation on his proposed changes to the County's Forest Conservation Law. The summary of changes and the presentation is attached. Discussion after the presentation identified two major concerns from the WQAG. These included a need to emphasize that trees should be planted to maximize water quality benefits and that the County should develop a plan for forest and tree planting that identifies specific areas within the County for projects.</p> <p>Chair Silverman proposed a subcommittee to include Scott Kauff and Tanya Spano to draft comments on behalf of the WQAG to send to Council. The briefing to the Council was scheduled for Tuesday 2/19, so time was short for drafting and getting input from the rest of the WQAG.</p>
3. The Green Fund. Chair Silverman	Chair Silverman had decided to focus discussion on the Green Fund proposal before the State rather than additional discussion on the Farm Bill as had been discussed at the January meeting. This fund, now known as the Chesapeake Bay Trust Fund, was \$50 million from existing tax revenues. The State legislators needed to decide how the money should be spent. Environmental groups wanted to assure that the money was spent on projects at the local level and not for administration within State agencies. Chair Silverman proposed that Montgomery County should develop a plan for stormwater retrofits, stream restoration, and agricultural needs and make sure that these needs were communicated to those who will determine how the Trust Fund money will be spent.
4. Climate Change legislation. Dusty Rood	Vice-Chair Rood distributed copies of the 7 bills proposed to Council dealing with energy efficiency, green buildings, and greenhouse gas emissions. He noted that these were quite complex. Meo Curtis suggested that the WQAG contact the Energy and Air Quality Advisory Committee (EAQAC) about any concerns that EAQAC might have

Meeting was adjourned at 9:15 p.m.

Next meeting: March 10, 2008

Meeting summary prepared by Meo Curtis, DEP

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Agenda Item	Action
	identified during their review of these bills. Council was scheduled to hold a public meeting on these bills in the following week.
5. Annual Report to Executive. Chair Silverman	Chair Silverman distributed a draft outline including topic areas and major points for the Annual Report. He asked for comments as soon as possible so that he could distribute a revised draft prior to the meeting with the Executive. The meeting with the Executive was scheduled for 7:30 p.m. on Tuesday February 27. He reminded all members to forward their two-sentence biographies to Ms. Curtis so that he could include these with the Annual Report.
6. Announcements.	Kay Fulcomer announced the establishment of the Seneca Creek Watershed Partners. This includes interested residents in the Seneca Creek Watershed. One issue for that group is the planned M-83 construction to join with Route 27. She will keep the WQAG informed on status and issues raised by the new group.
Next Meeting	The next meeting will take place on Monday March 10th at 7 p.m. in DEP. The agenda will include regional issues of concern, with the discussion led by the Outreach and Education Committee.

Forest Conservation Law Amendments sponsored by Councilmember Elrich February 2008

On Tuesday, December 11, 2007 amendments to Chapter 22A - Forest Conservation law (FCL) by MNCPPC and Councilmember Elrich were introduced. The MNCPPC and the Elrich amendments will travel together through the legislative process.

The existing FCL is inadequate in many ways:

- It does not conserve an adequate amount of forest.
- It is poorly written and very difficult to understand.

The MNCPPC amendments would significantly improve the FCL. MNCPPC:

- Re-wrote substantial parts of the FCL to make it understandable.
- They removed obsolete language.
- Developed the model for the Level 1, 2, and 3 Review that helps citizens to determine if the FCL applies to them.
- Clarified the requirements for each level of Review.
- Generally raised conservation and afforestation thresholds 5%.
- Increased the maintenance period for reforestation from 2 to 5 years.
- Extended the Declaration of Intent not to do any more activity in the area which affects the forest to 7 years.

The Elrich office and Park and Planning collaborated on many of the changes to the FCL.

However, Councilmember Elrich felt the law needed to be strengthened further. Councilmember Elrich continued to amend the MNCPPC draft bill to maximize forest retention and get closer to the goal of no forest net loss. Below is a brief synopsis of some of the proposed amendments that will help reach this goal:

Forest conservation and afforestation thresholds are based on land use categories. Councilmember Elrich proposes raising the threshold percentages for most sites and changing the definition of the residential land use categories. Changing the definitions of medium and high density residential areas more accurately reflects the County's land use. As a result, some zoning codes shift into different land use categories. This allows for more possible forest retention or afforestation on-site on appropriate tracts of land.

1. Added a Low Density Residential Area land use type and changed the density ranges in the Medium Density Residential Area and High Density Residential Area categories to more accurately reflect the County's land use.

In the existing law:

There is no Low Density Residential category.

The Medium Density Residential category is currently defined as a density greater than 1 house per 5 acres and less than or equal to one house per 40,000 sq. ft (an acre = 43,560 sq. ft) Generally included zones: RE-1, RE-2, 5 and 25 acre lot zones if lots are clustered.

The High Density Residential category is currently defined as a density greater than one house per 40,000 sq. ft. Generally includes Montgomery County zones: R-200, RMH-200, R-150, R-90, R-60, R-40, R-20, R-10, RT zones and RMX. Generally lots less than 1 acre, townhouses and multifamily dwelling units.

Elrich amendments:

Elrich amendments add a Low Density Residential Area defined as an area zoned for a density greater than one dwelling unit per five acres and less than or equal to one dwelling unit per acre. Generally includes Montgomery County zones: RC, RE-2, RE-1. Generally 5, 2, and 1 acre lots.

Elrich Medium Density Residential - an area zoned for a density greater than one dwelling unit per acre and less than or equal to 10 dwelling units per acre. Includes Montgomery County zones: RT-10, RT-8, RT-6, R-30, R-40, R-60, R-90, R-150, R-200. Generally lots less than a half acre and some townhouse configurations.

Elrich High Density Residential - an area zoned for densities greater than 10 dwelling units per acre. Generally includes Montgomery County zones: RT-12.5, RT-15, RT-18, RT-20, RT-38, R-30, R-20, RH, RMX. Generally townhouses and multifamily dwelling units.

2. Eliminate the government and institution category which generally had the lowest conservation and afforestation threshold requirements. The Elrich amendments does make an exception for highway right-of-ways and MCPS school sites. Those facilities have a 1:1 replacement requirement.
3. Amend the forest conservation threshold for net tracts to have reforestation requirements of a ratio of $\frac{1}{2}$ acre planted for every one acre removed above the threshold and retain the ratio of 2 acres planted for every one acre removed below the conservation threshold. Currently only $\frac{1}{4}$ acre needs to be replanted for each acre removed above the conservation threshold.
4. If off-site forest conservation mitigation bank credits are purchased, increase the requirement from 2 acres to 4 acres for every acre of replanting.
5. The Elrich amendments as introduced, proposed reducing the lot size to be considered for the FCL from 40,000 sq. ft. to 10,000 sq. ft. The rationale: To be consistent with the state law definition of a forest (10,000 sq. ft.), the Elrich amendments define a 10,000

sq/ft tract of land as subject to the FCL. Current law looks at tracts of land 40,000 sq. ft. or greater.

Marc has changed his position on this point. He will recommend that the lot size stay at 40,000 sq. ft. but the FCL is triggered if more than 5,000 sq. ft. of forest is to be cleared (point 6 below)

6. Change the level of forest disturbance necessary to trigger the FCL from 40,000 sq. ft. to 5,000 sq. ft.

7. Increase the maintenance period of reforestation from 2 to 5 years to improve tree survival success.

8. Provide a role of for a County Forest Conservation Coordinator, appointed by the Director of the Department of Environmental Protection and functions in DEP. The concurrence of CFCC and the Planning Director would be necessary for several requirements under the FCL. This provides checks and balances for certain types of decisions to be made under the FCL. Also, the CFCC would have functions related to resource management and protection of forest and trees in the County

8. Give citizens legal standing to appeal decisions based on false and misleading plans to the Circuit Court.

9. Require that neighbors be given advance notice of pending forest clearings covered by the FCL.

Councilmember Elrich believes that the end result of these amendments will be:

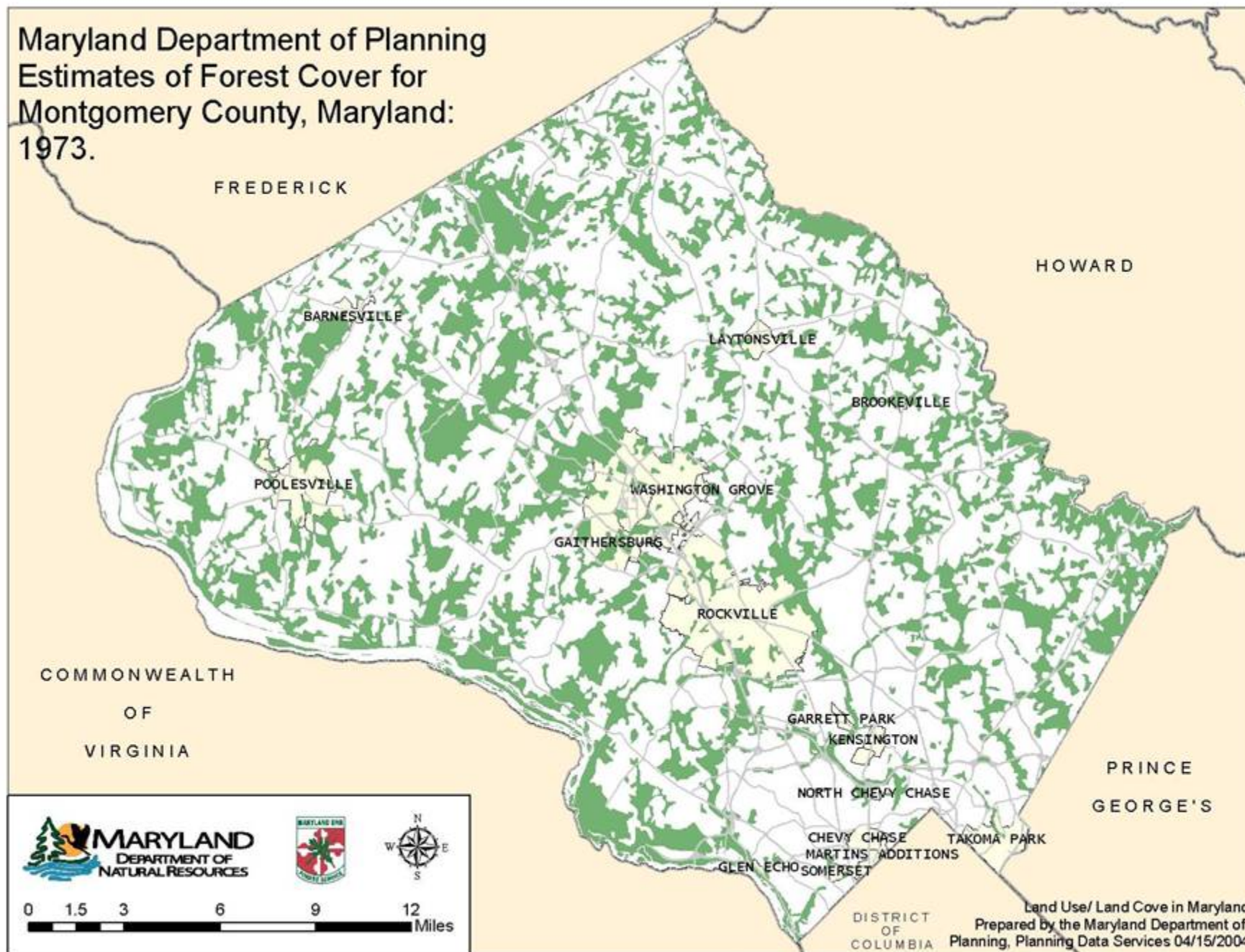
- Preserving a greater amount of forest in Montgomery County
- Increasing forest conservation on-site
- Keeping down-county forest in place by discouraging the use of up-county forest mitigation banks
- Conserving forests to improve water and air quality
- Maximizing Montgomery County's contribution to restore the Chesapeake Bay by retaining and expanding forests in the Chesapeake Bay watershed.
- More successful reforestations
- The County will lead the forest preservation effort by example by eliminating minimal requirements for institutions

- Providing more protection of our forests by vesting every citizen with legal standing
- Requiring advance notice of pending forest clearings

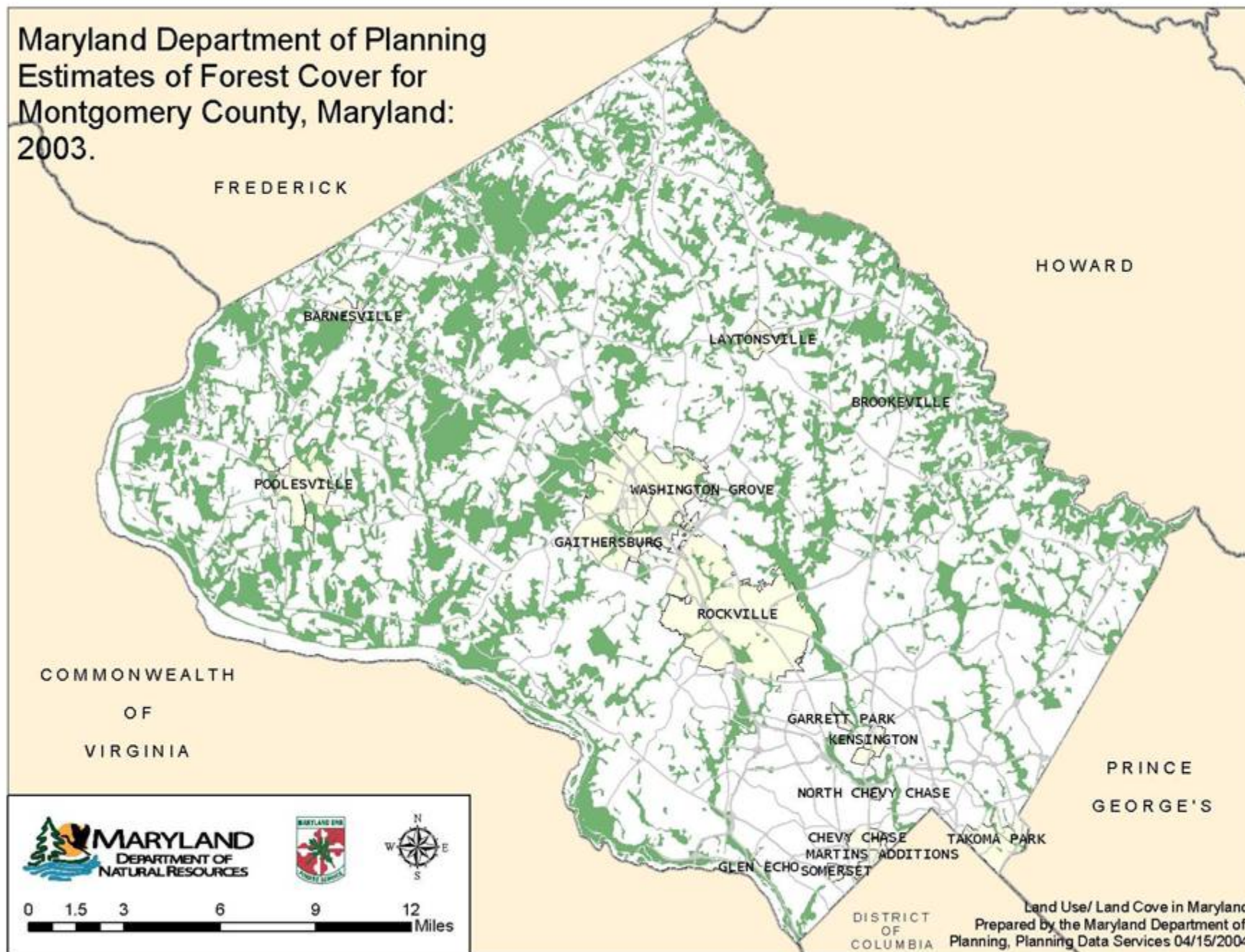
Trees and forests filter groundwater, slow stormwater runoff, help alleviate flooding and supply wildlife habitat. Trees cleanse the air, offset the heat generated by development and reduce energy needs. Trees improve quality of life in a community by providing recreation and visual appeal.



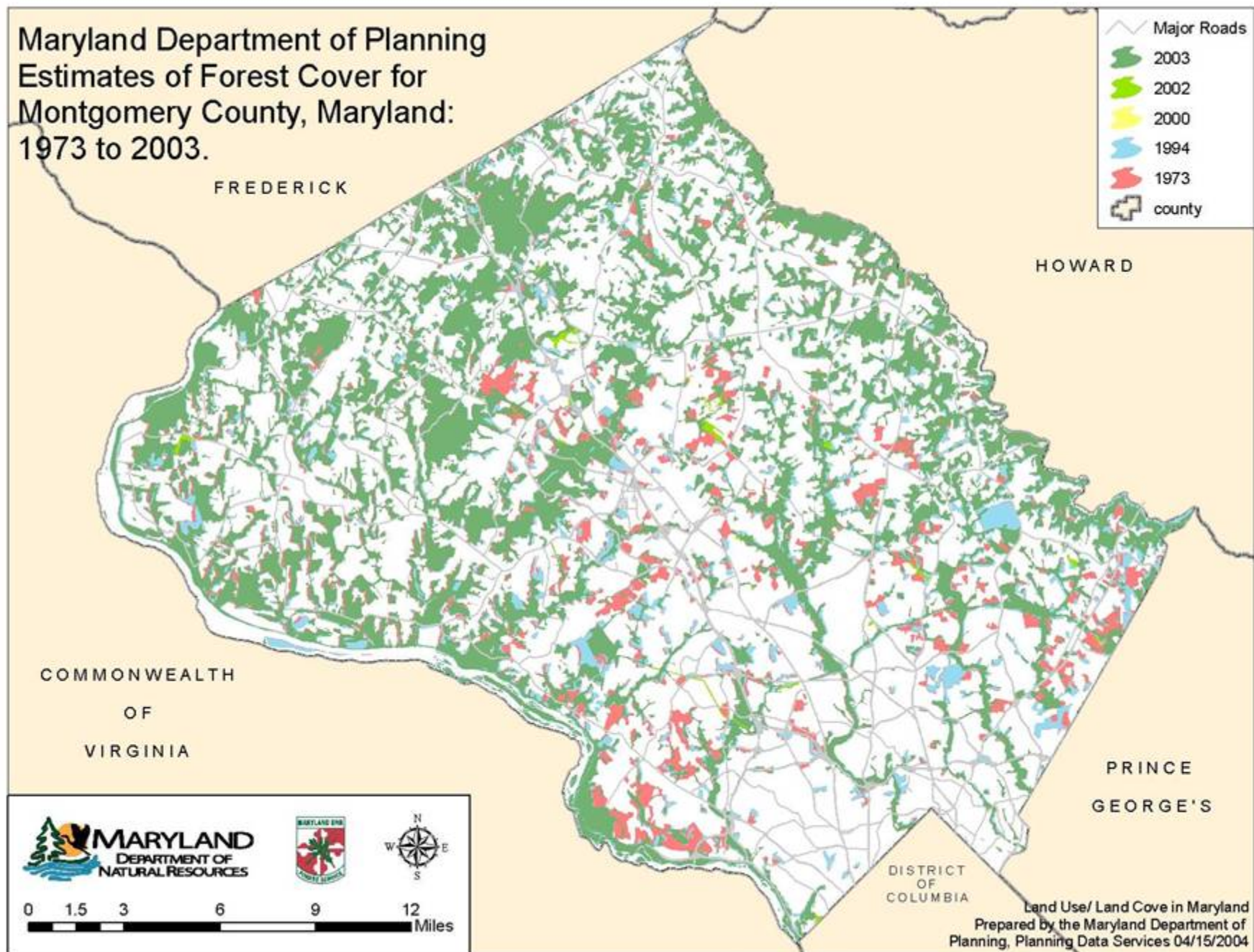
Maryland Department of Planning
Estimates of Forest Cover for
Montgomery County, Maryland:
1973.



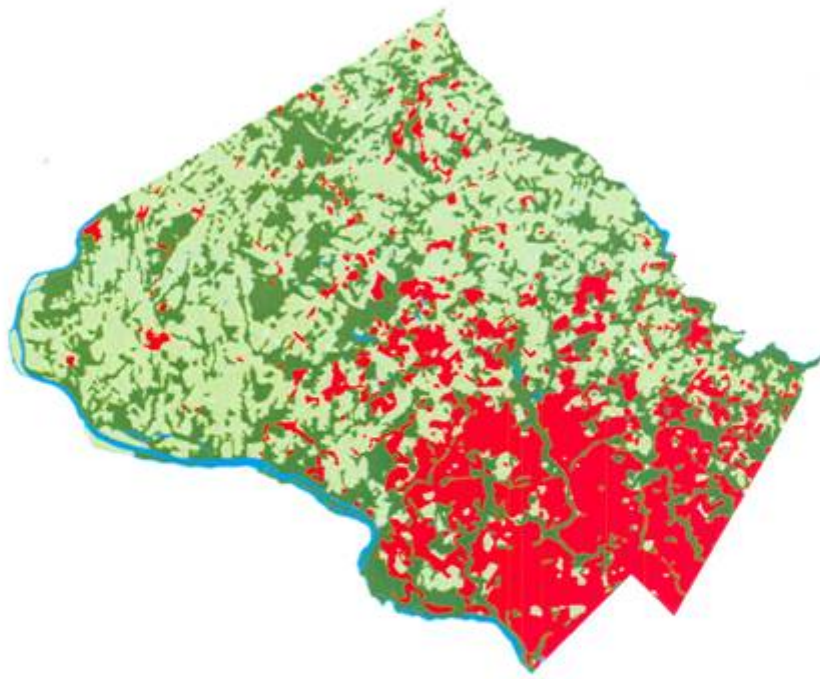
Maryland Department of Planning
Estimates of Forest Cover for
Montgomery County, Maryland:
2003.



Maryland Department of Planning
Estimates of Forest Cover for
Montgomery County, Maryland:
1973 to 2003.



Montgomery County 1973 Land Use / Land Cover

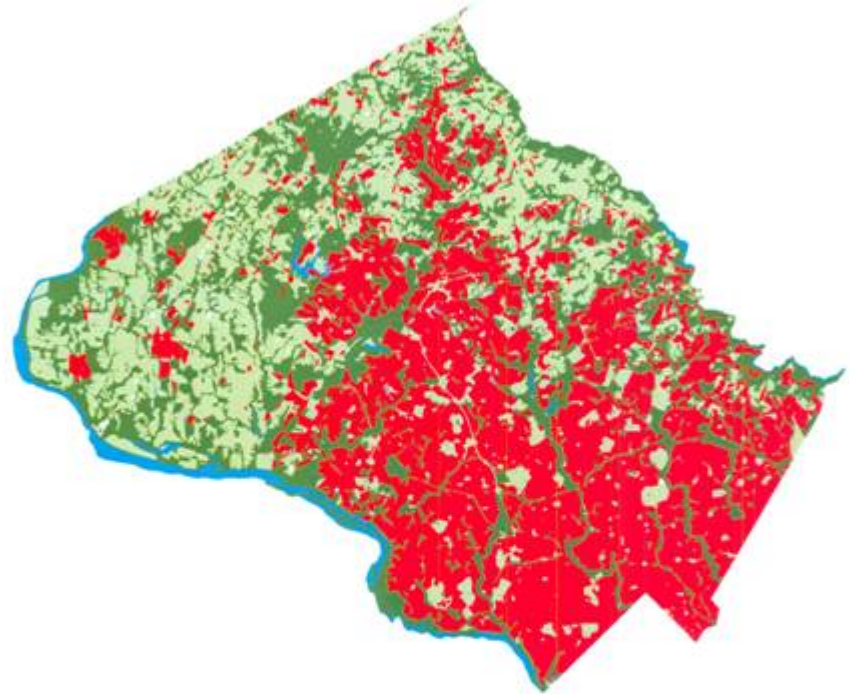


LEGEND
■ Developed Land
■ Agriculture
■ Forest
■ Water

MDP
Maryland Department of Planning
Governor - Robert L. Ehrlich, Jr.
Lt. Governor - Michael Steele
Secretary - Audrey E. Scott

Figure 3. 1973 Land Use

Montgomery County 2002 Land Use / Land Cover



LEGEND
■ Developed Land
■ Agriculture
■ Forest
■ Water

MDP
Maryland Department of Planning
Governor - Robert L. Ehrlich, Jr.
Lt. Governor - Michael Steele
Secretary - Audrey E. Scott

Figure 4. 2000 Land Use

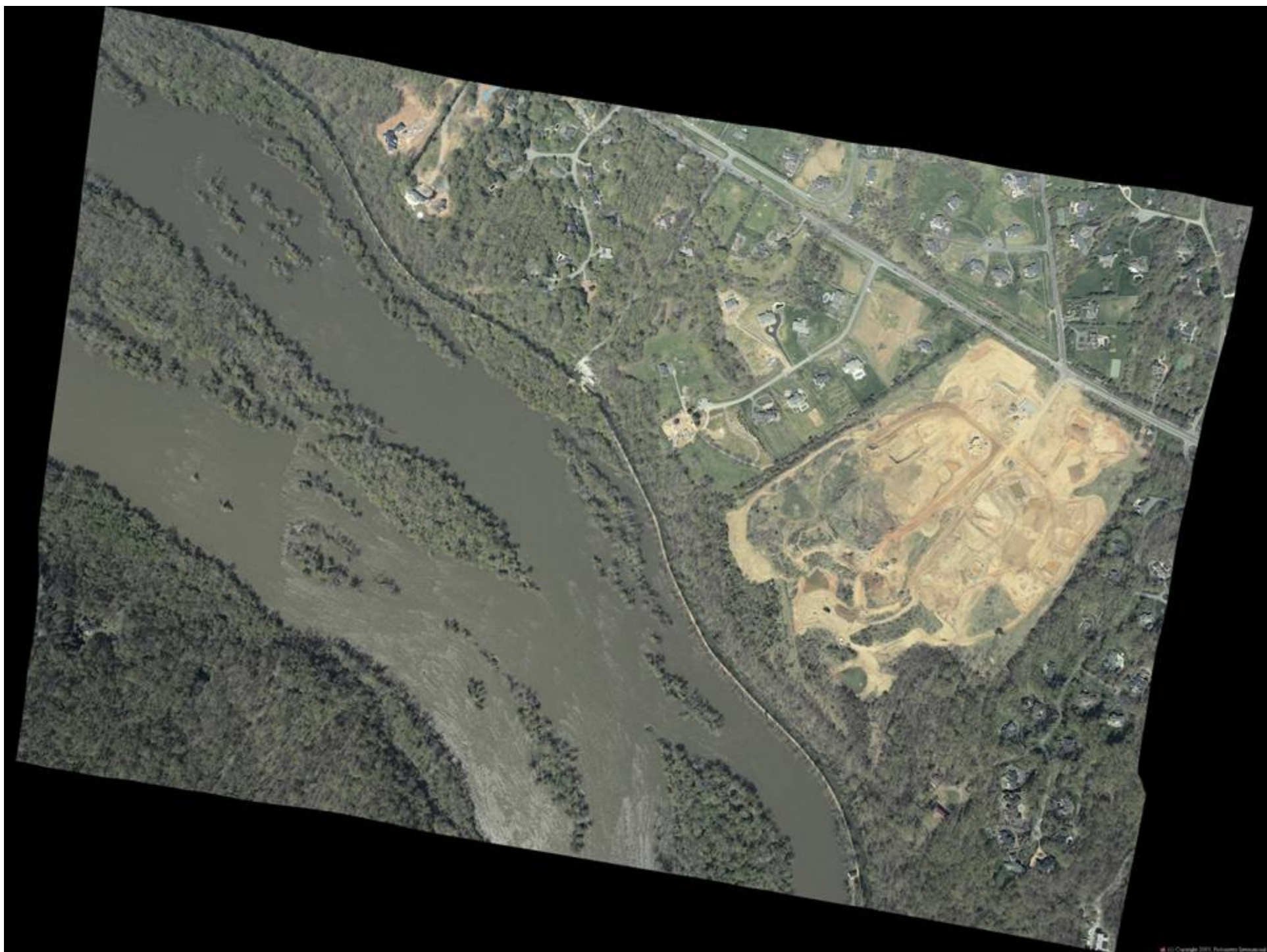
Water Quality Functions of the Forest

Forests protect water quality by stabilizing banks, shading the water, taking up nutrients, and filtering pollutants.

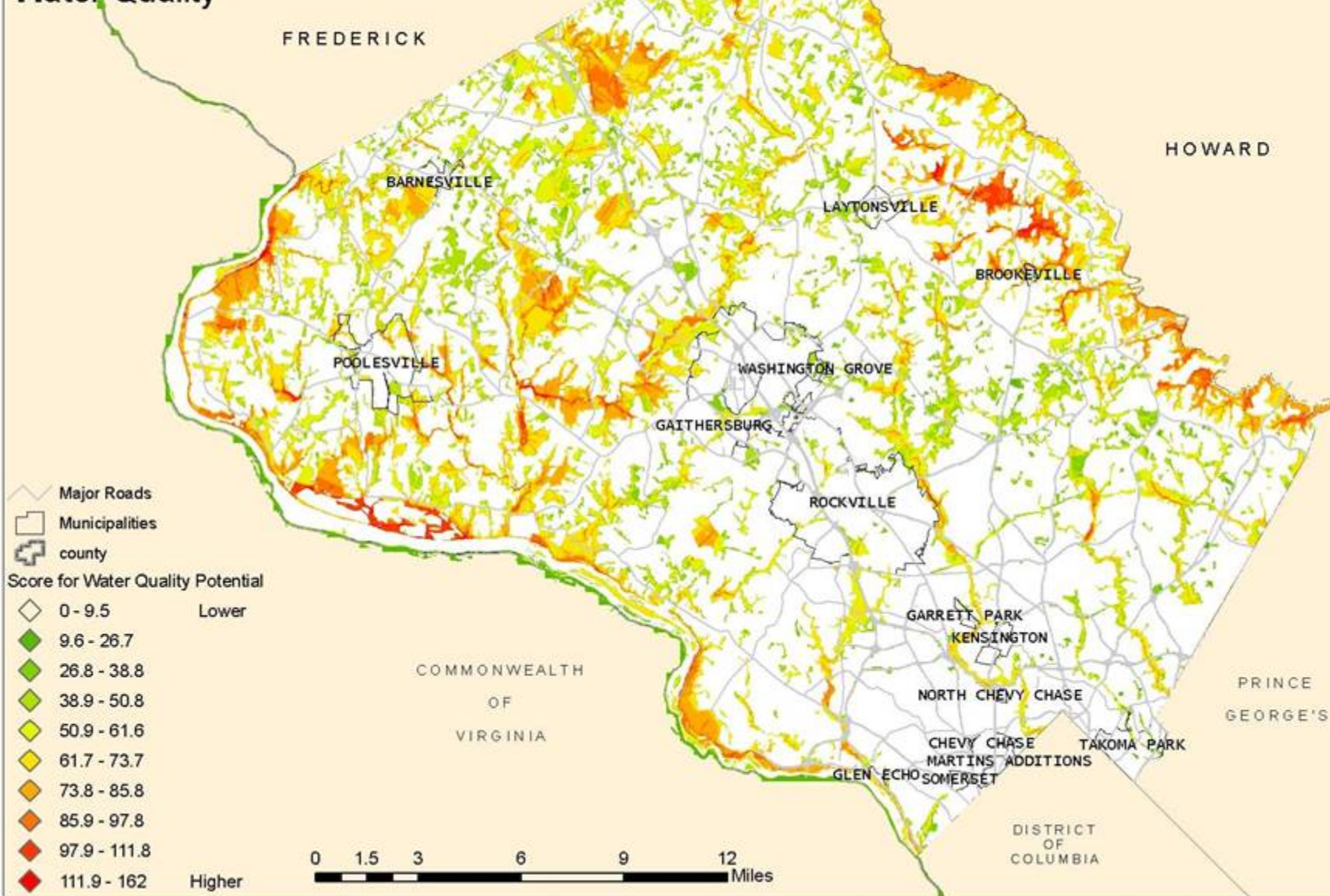
The extensive network of tree roots holds the soils of the bank in place, reducing erosion and keeping the streambanks and shoreline stable. The shade helps reduce water temperatures and maintain high oxygen levels that benefit many kinds of aquatic wildlife.

Many nutrients, sediment, and pollutants contained in storm runoff are filtered out before they reach the water and are held in the leaf and humus layer on the forest floor. The nutrients are used for tree growth while pollutants are broken down into harmless compounds. Additionally, porous soils of the forest floor readily allow water to infiltrate, increasing groundwater recharge and reducing the potential for flash floods.

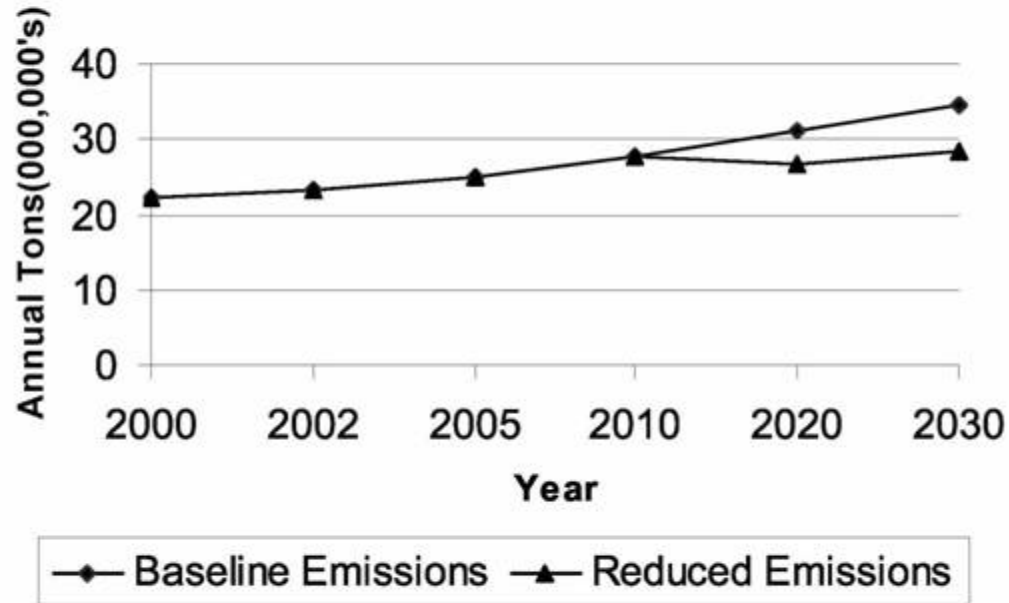
Source: Ohio State University Fact Sheet, School of Natural Resources, 2021 Coffey Road, Columbus, Ohio 43210



Forested Areas of Montgomery County, MD with High Estimated Value to Water Quality



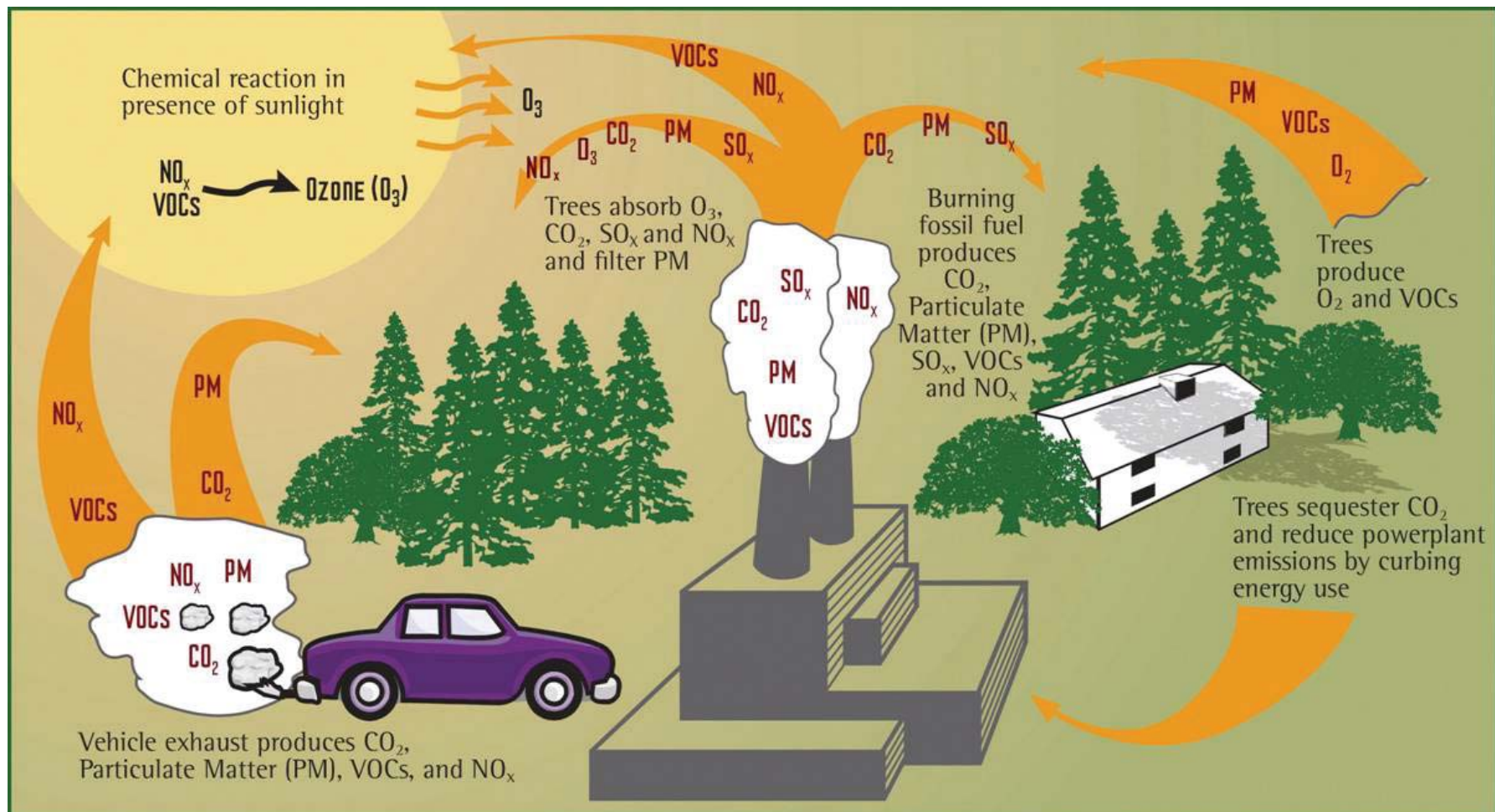
Reductions in Annual CO₂ Emissions with Regionwide CAL LEV II Vehicles



12

Reductions in Annual CO₂ Emissions (Millions of Tons) with Regionwide CAL LEV II Vehicles

	2002	2020	2030	% Change 2002 - 2030
Baseline	23.273	31.018	34.451	48%
CAL LEV II Reductions	0	4.386	5.993	-
Percent Reductions	0	14.1	17.4	-
Reduced Emissions	23.273	26.632	28.458	22%



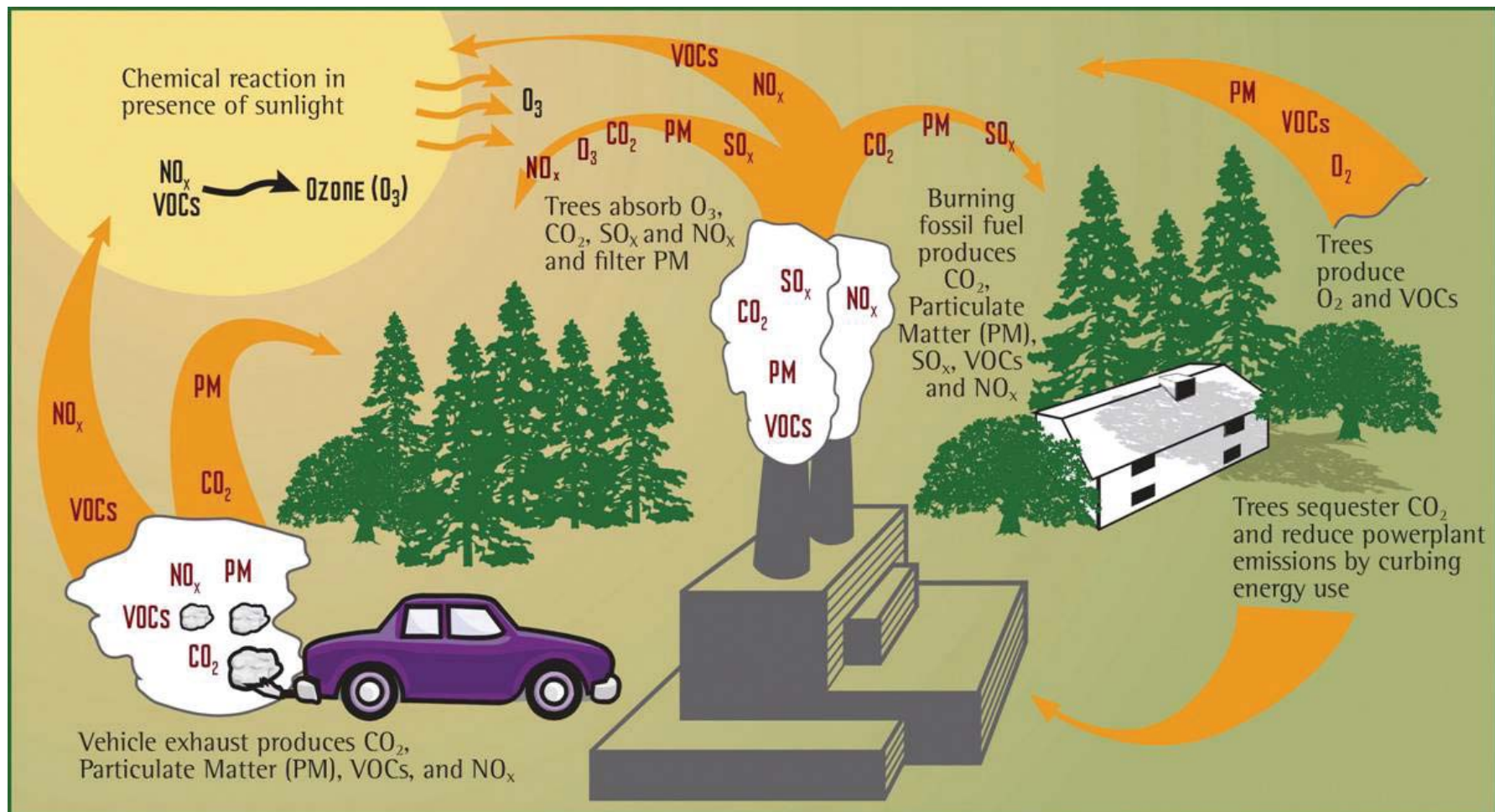
The role of trees in a healthy environment

Exposure to air pollutants, including ozone, toxins and particulate matter, is associated with respiratory disease, asthma, heart disease and other illnesses. Trees play a significant role in removing pollutants from the air.

Trees help remove carbon dioxide, one of the gases contributing to global warming, from the environment and convert it into oxygen during photosynthesis. One acre of trees provides enough oxygen for 18 people and absorbs as much carbon dioxide as a car produces in 26,000 miles.

For more information on this and other urban forestry projects, visit: <http://www.fs.fed.us/psw/programs/cufr/>

The USDA is an equal opportunity provider and employer.



The role of trees in a healthy environment (cont'd)

Trees remove sulfur dioxide and nitrogen oxide – two major components of acid rain and ozone pollution – from the air as well as benzene, formaldehyde and many other toxic chemicals. Trees also are effective in removing particulate matter (2.5 microns or smaller) from the air.

The economic impact of the air cleansing provided by trees is significant. According to the American Forest Report, in 1999 the tree canopy in the Houston area removed 83 million pounds of pollutants, valued at \$208 million, annually. Tree cover as it existed in 1972 would have removed 98.5 million pounds of pollutants at a value of \$247 million. The dwindling Houston tree cover has an economic as well as environmental impact.

Objectives of Elrich Forest Conservation Law Amendments

- Preserve the maximum amount of forest in Montgomery County
- Increase forest conservation on-site
- Keep down-county forest in place by discouraging the use of up-county forest mitigation banks
- Conserve forests to improve water and air quality
- Maximize Montgomery County's contribution to restore the Chesapeake Bay by retaining and expanding forests in the Chesapeake Bay watershed.

Summary of Major Changes in the Elrich Forest Conservation Law Amendments

- Add a “low-density” land use category to protect a larger percentage of forest on-site
- Apply the FCL to all tracts of land 40,000 square feet or greater with 5,000 square feet of disturbance that require a sediment control permit.
- Require greater reforestation (forest replanting), mitigation banking, or fee-in-lieu for those who do not conserve forest on-site

Summary of Major Changes in the Elrich Forest Conservation Law Amendments

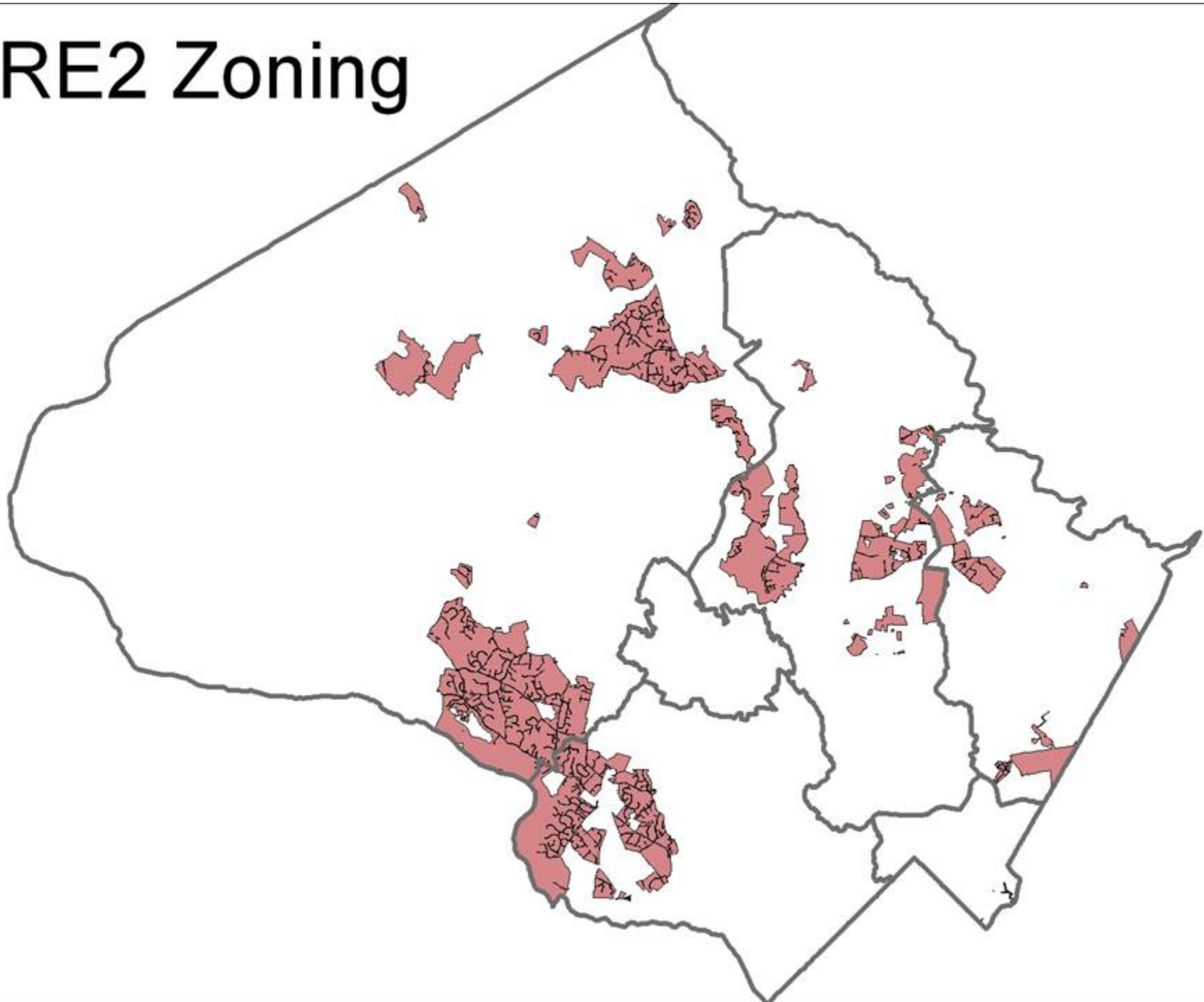
- Increase maintenance period of reforestation from 2 to 5 years to improve tree survival success
- Eliminate the exemption of institutions from FCL
- Gives citizens legal standing to appeal decisions based on false and misleading plans to the Circuit Court
- Requires that neighbors be given advance notice of pending forest clearings that trigger the FCL

Example: Zone RE2 Rural Estate 2 acre minimum lot

Where zone RE2 lots can be found:

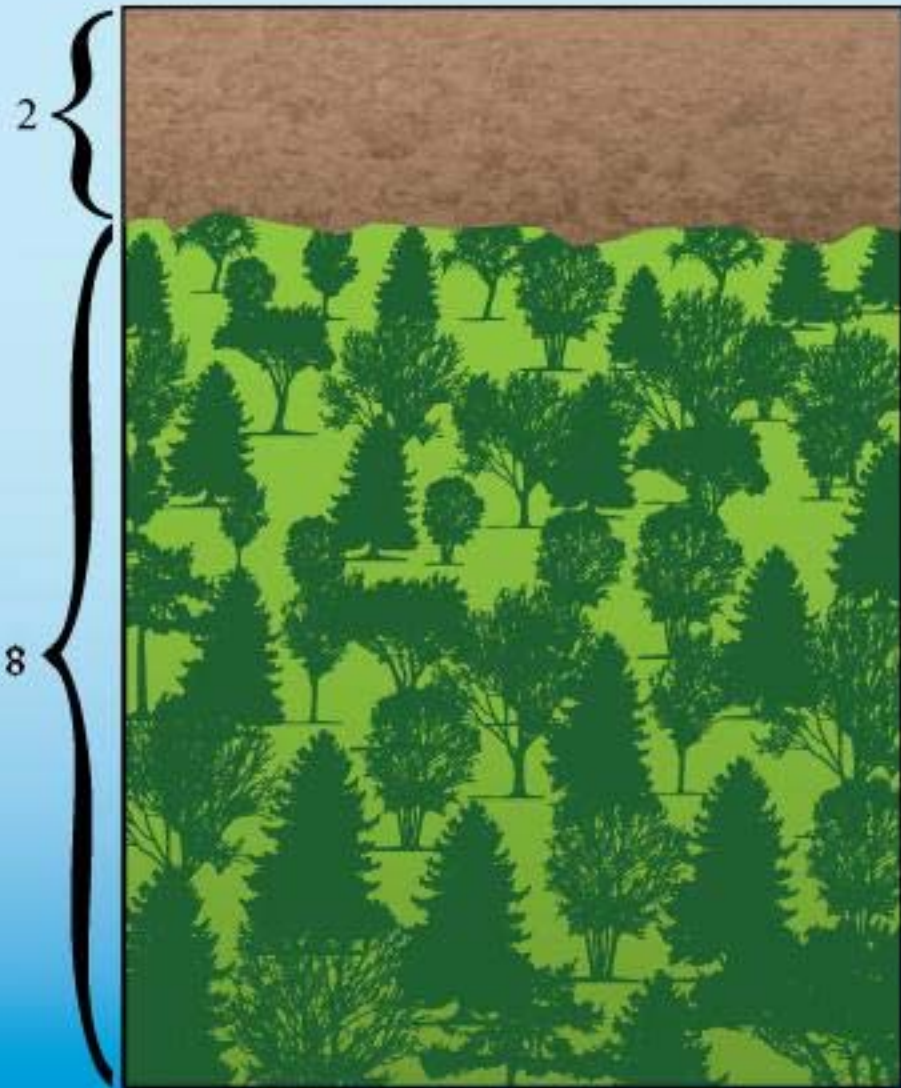
- River Rd., Piney Meetinghouse Rd., Stoney Creek
- Needwood, Avery, some sections of Muncaster Mill, Batchellors Forest, Slade School, Cantor Mill
- Avenleigh, Bryant's Nursery, FDA site, McCeney, Burnt Mills east of Lockwood
- Falls Rd south of Potomac

RE2 Zoning



Example: Zone RE2

Rural Estate 2 Acre



10 acre tract

- 5 houses can be built on this piece of land
- 8 acres of forest

Example: Zone RE2



What is the “cost” for forest removal under FCL?

Factors:

Land use category (dwelling units per acre)

Conservation and afforestation thresholds – each land use category has different thresholds

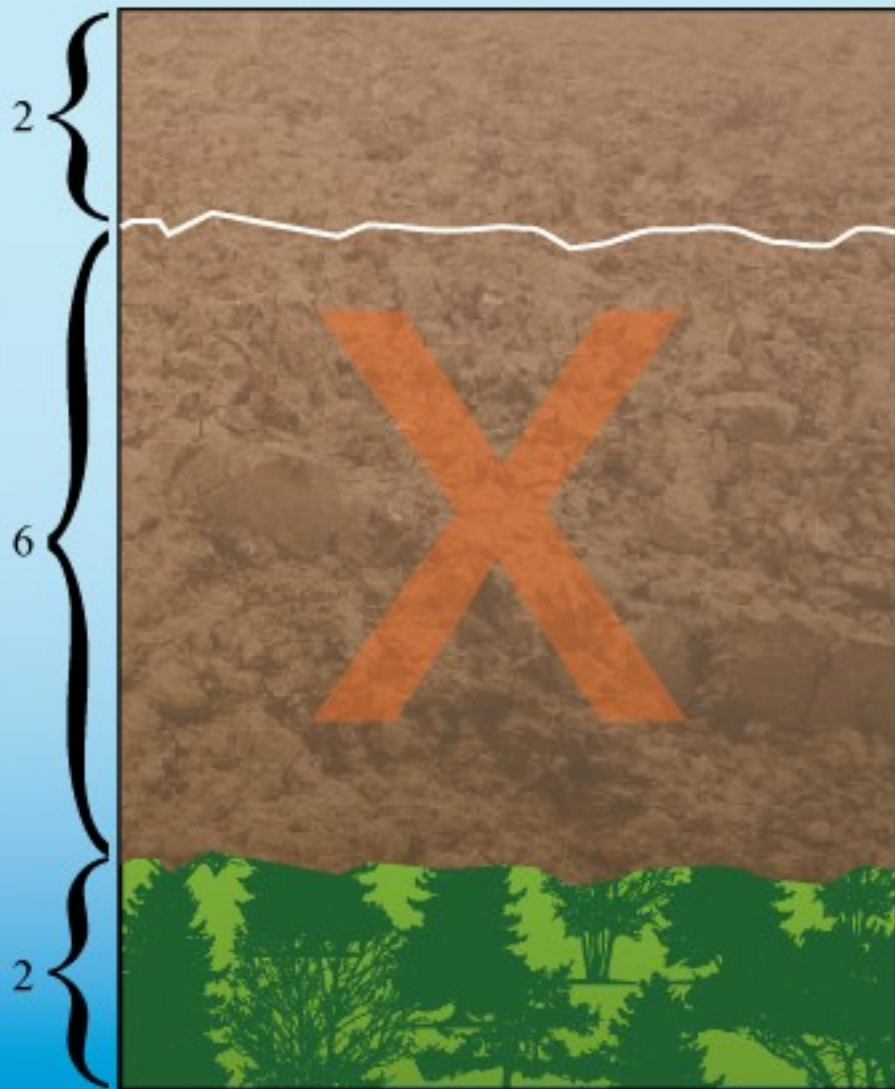
Conservation threshold is the minimum forest the County would like to see retained on the property

Afforestation threshold is the minimum tree coverage the County would like to see added to the property if it is lacking trees.

Forest Conservation Threshold and Required Afforestation as a Percentage of Net Tract Area

Land Use Type	Current Law	
	Conservation Threshold	Afforestation Threshold
Agricultural and Resource Areas Density less than or equal to one dwelling per 5 acres	50%	20%
Medium Density Residential Areas Density greater than 1 dwelling per 5 acres and less than or equal to one dwelling per 1 acre	25%	20%
High Density Residential Areas Density greater than 1 dwelling per 1 acre	20%	15%
Institutional Development Areas Schools, colleges, universities, military installations, transportation facilities, utilities, government offices and facilities, fire stations, golf courses, recreation areas, parks, cemeteries and religious institutions	20%	15%
Mixed-use Development Areas Relatively high-density development project, usually commercial in nature, which includes 2 or more types of uses	15-20% ¹	15%
Planned unit Development Areas Comprised of a combination of land uses or varying intensities of the same land use, having at least 20 percent of the land permanently dedicated to open space	15-20% ¹	15%
Commercial and Industrial Areas Manufacturing operations, office complexes, shopping centers, and other similar uses and their associated storage areas, yards, and parking areas	15%	15%
	1. The residential and institutional portions of the tract must meet the 20% requirement. All other uses may use the 15% requirement.	

Example: Zone RE2 – Current FCL



Developer removes 6 acres

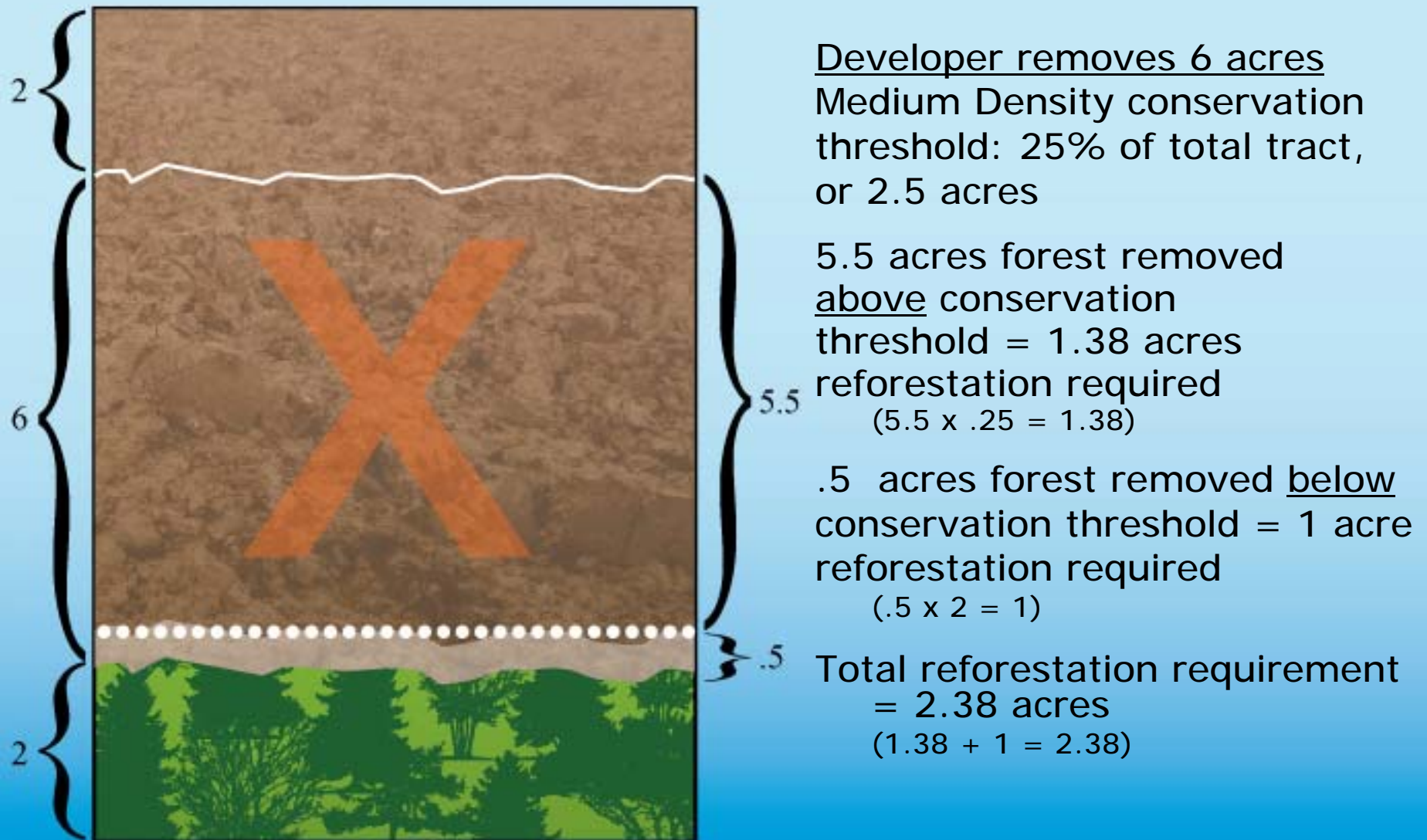
Land use category = Medium Residential Density

Conservation threshold = 25% of the total tract area

Forest removed above threshold: replacement at ratio of $\frac{1}{4}$ for each 1 acre removed.

Forest removed below threshold: replacement at ratio of 2 acres for each 1 acre removed

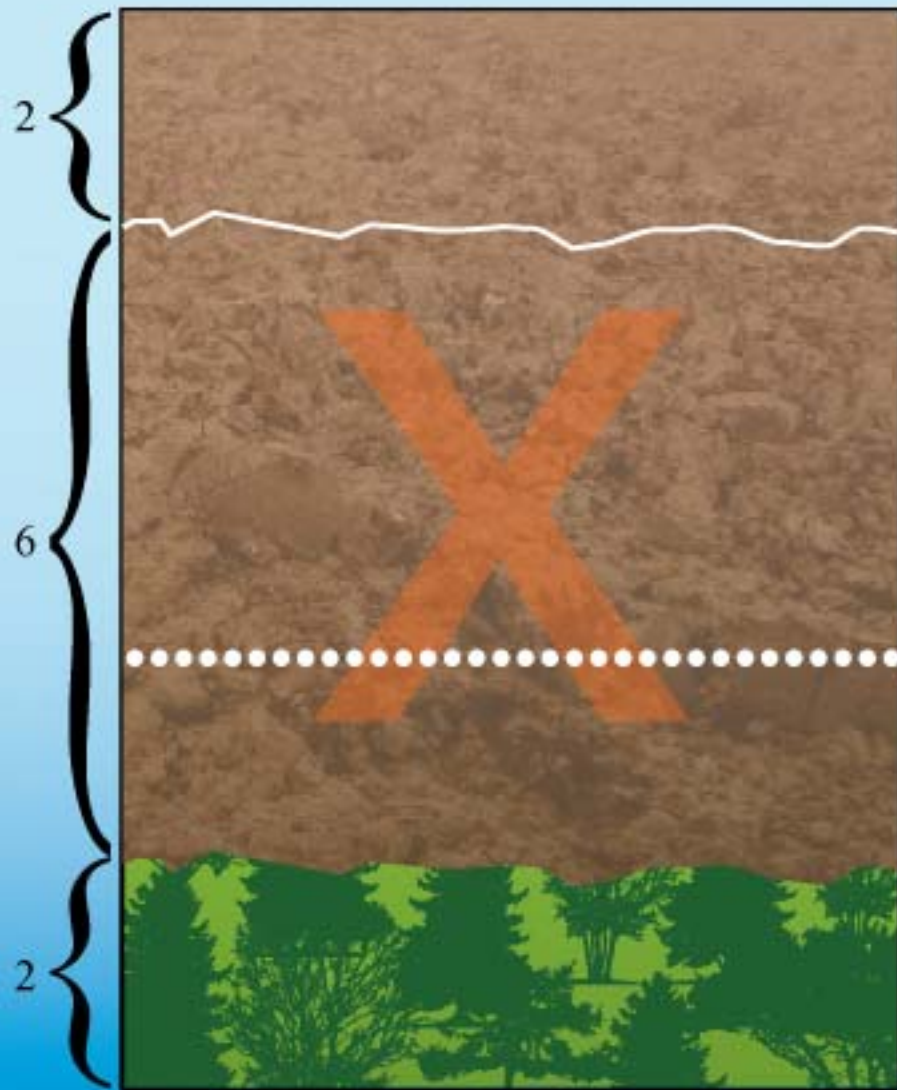
Example: Zone RE2 – Current FCL



Forest Conservation Threshold and Required Afforestation as a Percentage of Net Tract Area

Land Use Type	Elrich Amendments	
	Conservation Threshold	Afforestation Threshold
Agricultural and Resource Areas Density less than or equal to one dwelling per 5 acres	50%	20%
Low Density Residential Areas Density less than or equal to one dwelling per 1 acres and greater than one dwelling per 5 acres	40%	20%
Medium Density Residential Areas Density less than 10 dwellings per 1 acre and greater than one dwelling per 1 acre	30%	20%
High Density Residential Areas Density greater than or equal to 10 dwelling per 1 acre	25%	20%
Institutional Development Areas Eliminate this land use category; but possibly retain 1 to 1 reforestation for public road construction.	N/A	N/A
Mixed-use Development Areas Relatively high-density development project, usually commercial in nature, which includes 2 or more types of uses	20-25% ¹	20%
Planned unit Development Areas Comprised of a combination of land uses or varying intensities of the same land use, having at least 20 percent of the land permanently dedicated to open space	20-25% ¹	20%
Commercial and Industrial Areas Manufacturing operations, office complexes, shopping centers, and other similar uses and their associated storage areas, yards, and parking areas	20%	20%
	1. The residential and institutional portions of the tract must meet the 25% requirement. All other uses may use the 20% requirement.	

Example: Zone RE2 – Elrich FCL

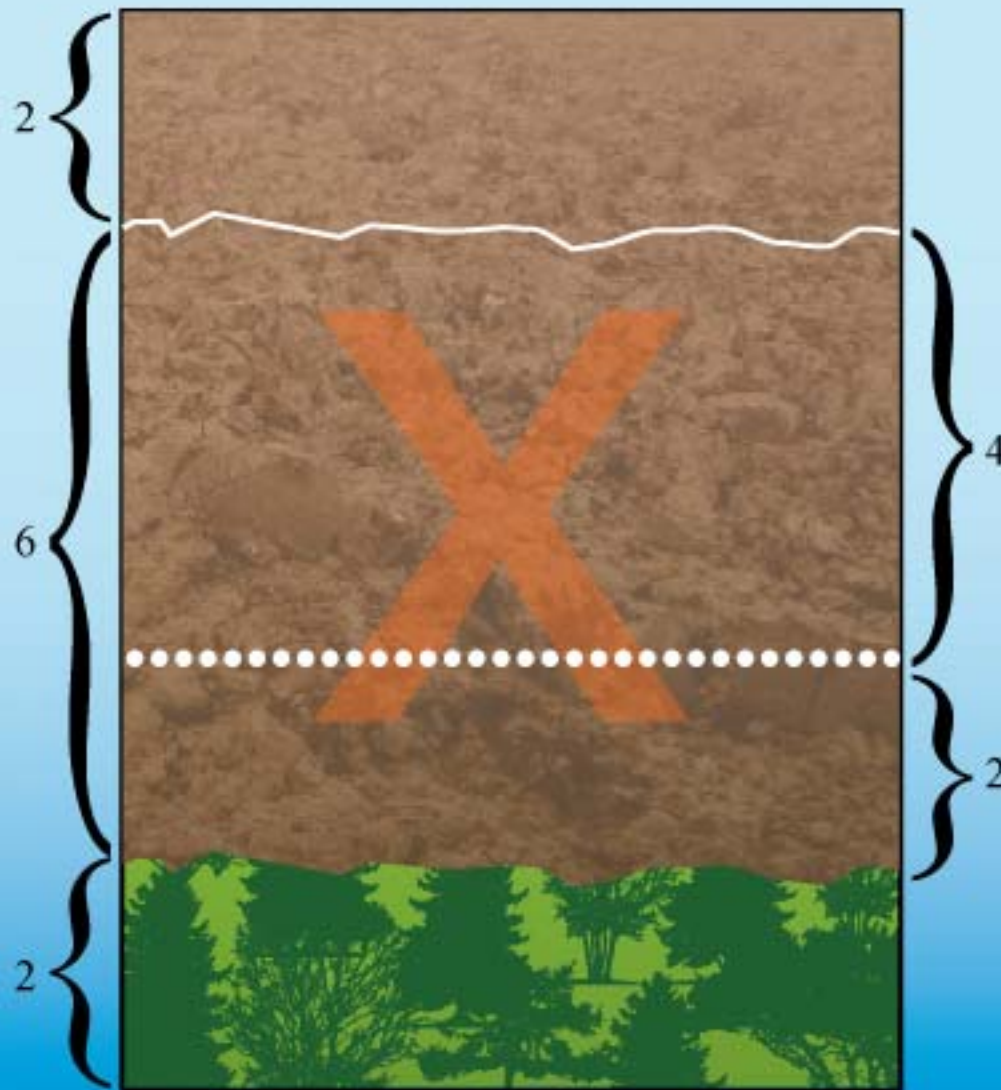


Developer removes 6 acres
Land use category:
LOW DENSITY

Forest removed above
threshold requires
replacement at ratio of $\frac{1}{2}$
FOR EACH 1 ACRE REMOVED

Forest removed below
threshold requires
replacement at ratio of
2 ACRES FOR EACH 1
ACRE REMOVED

Example: Zone RE2 – Elrich FCL



Developer removes 6 acres
Low Density conservation
threshold: 40% of total tract,
or 4 acres

4 acres forest removed above
conservation threshold
= 2 acres reforestation required
($4 \times .5 = 2$)

2 acres forest removed below
conservation threshold
= 4 acres reforestation required
($2 \times 2 = 4$)

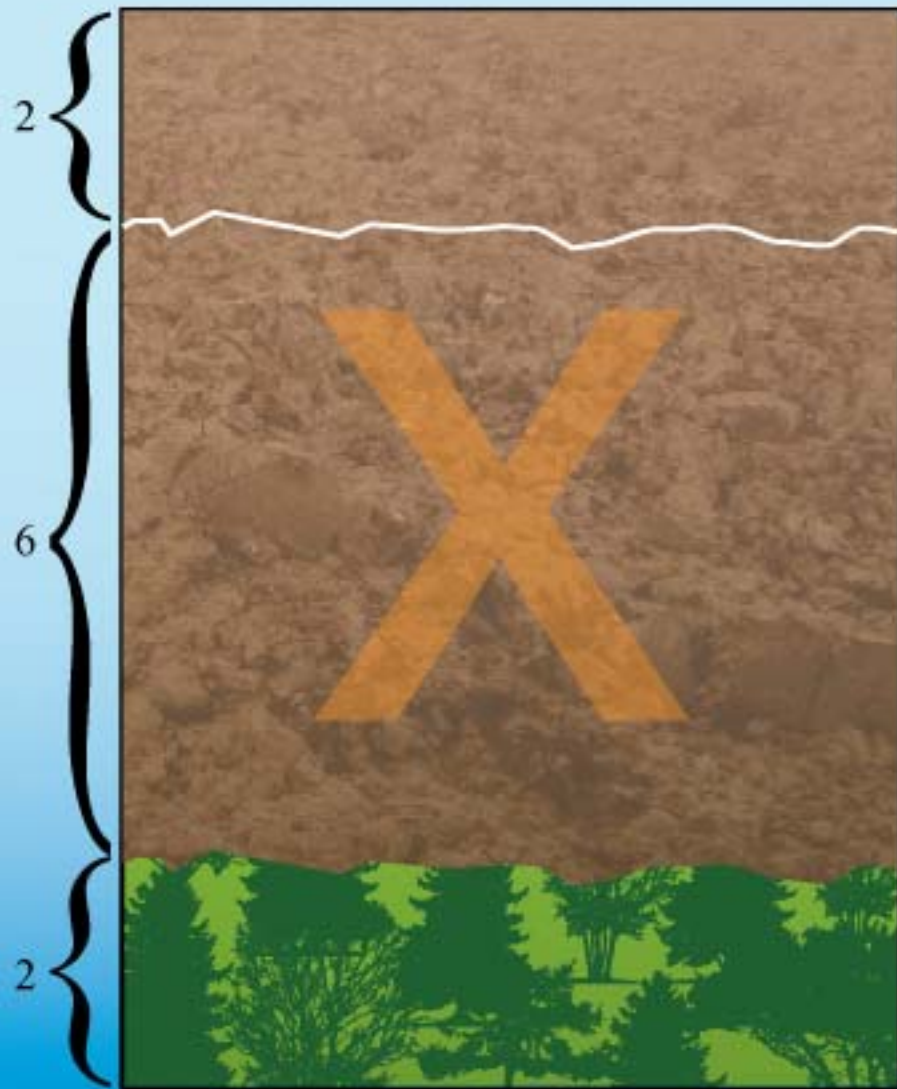
Total reforestation requirement
= 6 acres
($2 + 4 = 6$)

Forest Conservation Threshold and Required Afforestation as a Percentage of Net Tract Area

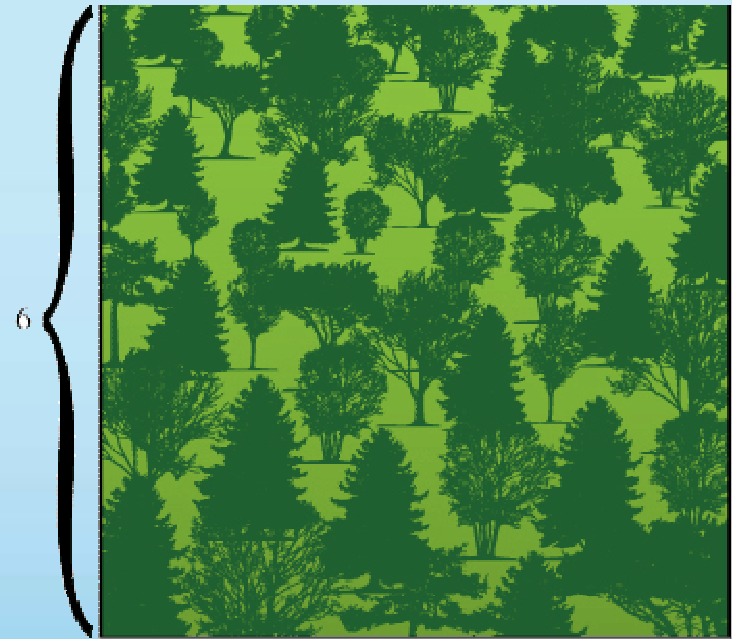
	Current Law		Elrich Amendments	
Land Use Type	Conservation Threshold	Afforestation Threshold	Conservation Threshold	Afforestation Threshold
Agricultural and Resource Areas	50%	20%	50%	20%
Low Density Residential Areas	N/A	N/A	40%	20%
Medium Density Residential Areas	25%	20%	30%	20%
High Density Residential Areas	20%	15%	25%	20%
Institutional Development Areas	20%	15%	N/A	N/A
Mixed-use Development Areas	15-20% ¹	15%	20-25% ²	20%
Planned unit Development Areas	15-20% ¹	15%	20-25% ²	20%
Commercial and Industrial Areas	15%	15%	20%	20%
	1. The residential and institutional portions of the tract must meet the 20% requirement. All other uses may use the 15% requirement.		2. The residential and institutional portions of the tract must meet the 25% requirement. All other uses may use the 20% requirement.	

Example: Zone RE2

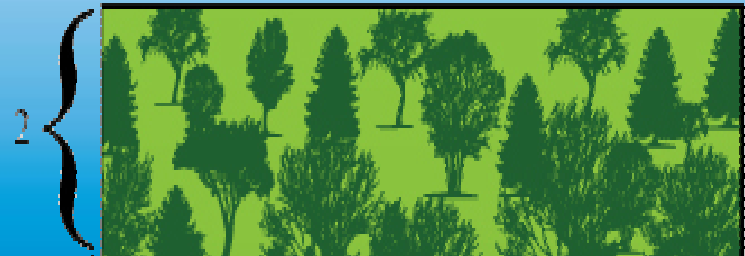
Reforestation Comparison



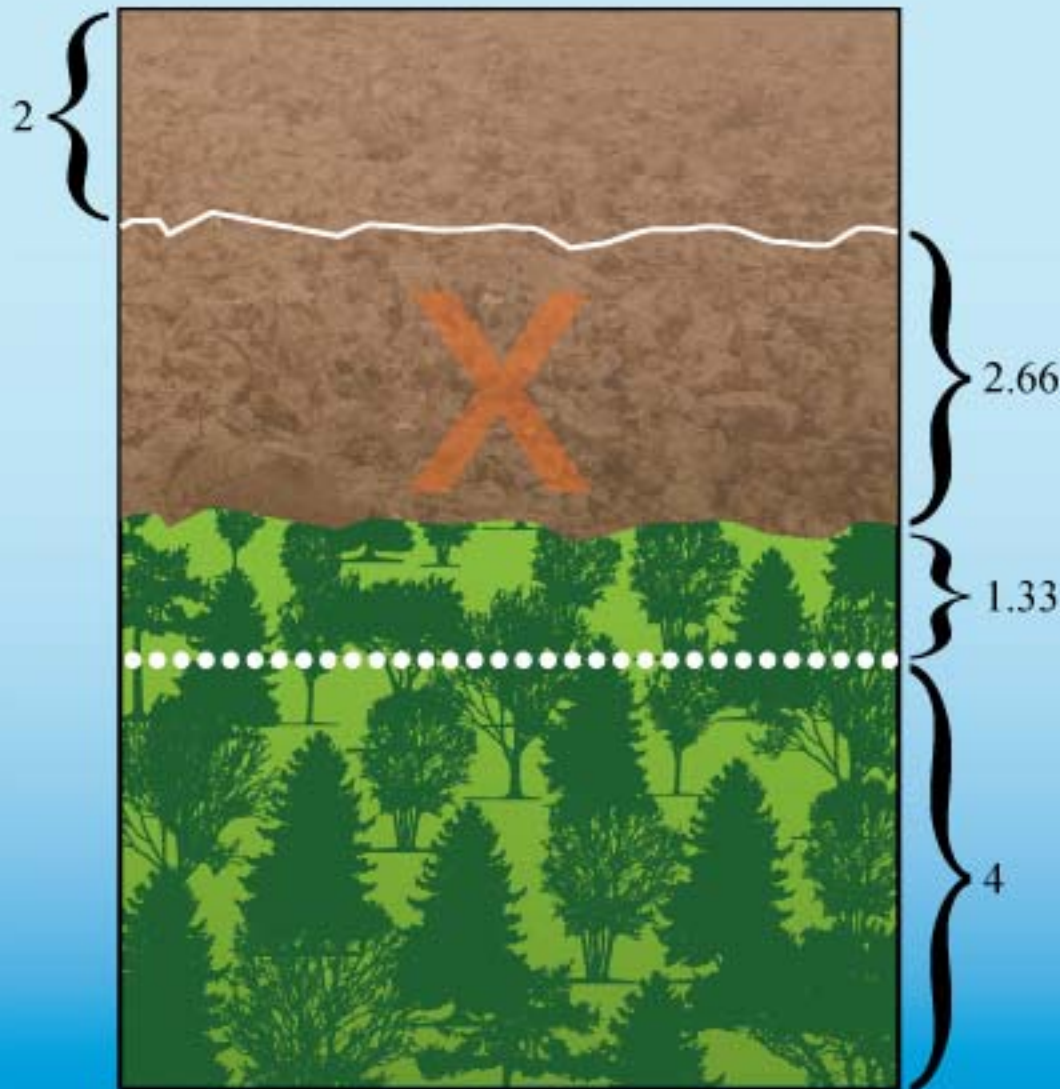
Elrich reforestation: 6 acres



**Current FCL reforestation:
2.38 acres**



Example: Zone RE2 – Elrich FCL



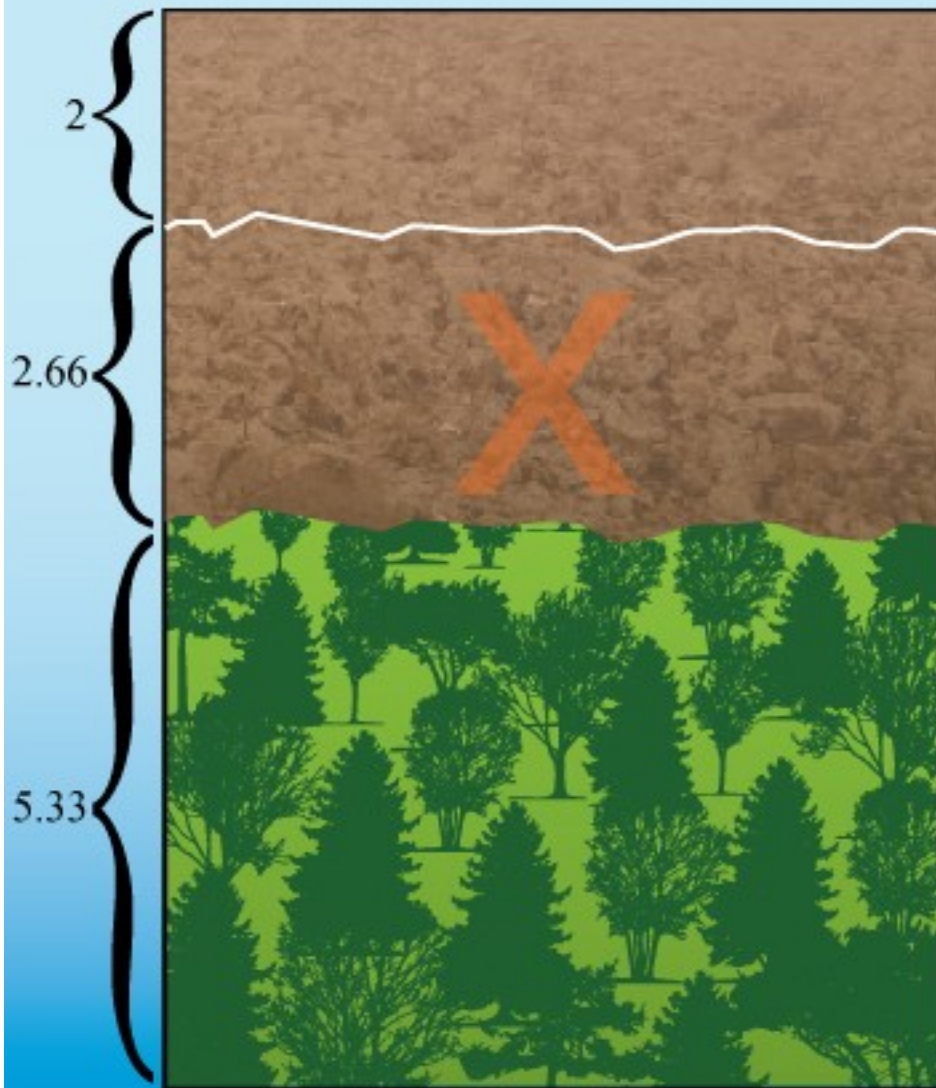
What if the developer removes less than 6 acres of forest?

Credit System Example:
Removes 2.66 acres
above conservation threshold
= 1.33 acres of reforestation

Retains 1.33 acres above
conservation threshold
= credit of 1.33 acres

4 acre conservation threshold
Total replanting requirements
= 0 acres

Example: Zone RE2 – Elrich FCL



Development decisions that would change reforestation requirements:

Remove 0 to 2.66 acres of forest = 0 acres of reforestation requirements

- Almost $\frac{1}{2}$ of the 10 acres is available for development
- Development potential is preserved
- Forest is conserved on-site

Attachment B – Example 1

Property Zoned RE2 (In acres)				
	Existing FCL	Amendments proposed by MNCPPC	First Council Amendment	Second Council Amendment
Net Tract Area	21.1	21.1	21.1	21.1
Land Use	Medium Density	Medium Density	Low Density	Low Density
Afforestation Threshold	4.22	5.28	5.28	4.22
Conservation Threshold	5.28	6.33	9.5	8.44
Existing Forest	18.6	18.6	18.6	18.6
Forest to be Cleared	11.34	11.34	11.34	11.34
Forest to be Saved	7.26	7.26	7.26	7.26
Total Planting	0.85	1.91	13.58	7.44
Fee-in-lieu or planting cost at \$0.90/sq. ft.	\$33,323.40	\$74,683.62	\$532,390.32	\$291,677.76

Attachment B – Example 2

Property Zoned RE2 (In acres)				
	Existing FCL	Amendments proposed by MNCPPC	First Council Amendment	Second Council Amendment
Net Tract Area	49.65	49.65	49.65	49.65
Land Use	Medium Density	Medium Density	Low Density	Low Density
Afforestation Threshold	9.93	12.41	12.41	9.93
Conservation Threshold	12.41	14.97	22.34	19.86
Existing Forest	14.01	14.01	14.01	14.01
Forest to be Cleared	0.9	0.9	0.9	0.9
Forest to be Saved	13.11	13.11	13.11	13.11
Total Planting	0	1.8	1.8	1.8
Fee-in-lieu or planting cost at \$0.90/sq. ft.	0	\$70,567.20	\$70,567.20	\$70,567.20

Attachment B – Example 3

Property Zoned RDT (In acres)				
	Existing FCL	Amendments proposed by MNCPPC	First Council Amendment	Second Council Amendment
Net Tract Area	377.47	377.47	377.47	377.47
Land Use	ARA	ARA	ARA	ARA
Afforestation Threshold	75.49	75.49	94.37	75.49
Conservation Threshold	188.74	188.74	207.61	188.74
Existing Forest	168.6	168.6	168.6	168.6
Forest to be Cleared	4.52	4.52	4.52	4.52
Forest to be Saved	164.08	164.08	164.08	164.08
Total Planting	9.04	9.04	9.04	9.04
Fee-in-lieu or planting cost at \$0.90/sq. ft.	\$354,404.16	\$354,404.16	\$354,404.16	\$354,404.16

Attachment B – Example 4

Property Zoned O&M (In acres)				
	Existing FCL	Amendments proposed by MNCPPC	First Council Amendment	Second Council Amendment
Net Tract Area	12.21	12.21	12.21	12.21
Land Use	R&D	R&D	R&D	R&D
Afforestation Threshold	1.83	2.44	2.44	2.44
Conservation Threshold	1.83	2.44	2.44	2.44
Existing Forest	7.85	7.85	7.85	7.85
Forest to be Cleared	5.62	5.62	5.62	5.62
Forest to be Saved	2.23	2.23	2.23	2.23
Total Planting	1.01	1.78	5.83	3.13
Fee-in-lieu or planting cost at \$0.90/sq. ft.	\$39,596.04	\$69,626.3	\$228,637.73	\$122,630.11

Attachment B – Example 5

Property Zoned R200 TDR 3 (In acres)				
	Existing FCL	Amendments proposed by MNCPPC	First Council Amendment	Second Council Amendment
Net Tract Area	34.42	34.42	34.42	34.42
Land Use	High Density	High Density	Medium Density	Medium Density
Afforestation Threshold	5.16	6.88	8.61	8.61
Conservation Threshold	6.88	8.61	10.33	10.33
Existing Forest	27.09	27.09	27.09	27.09
Forest to be Cleared	20.05	18.49	16.76	16.76
Forest to be Saved*	7.04	8.61	10.33	10.33
Total Planting	4.86	4.62	16.76	8.38
Fee-in-lieu or planting cost at \$0.90/sq. ft.	\$190,531.44	\$181,171.49	\$657,215.86	\$328,607.93

* The amount of forest saved under this example changes because the application must meet the conservation threshold onsite. That is, this property is in a single-family zone that is using an optional method of development. When an application must meet the conservation or afforestation threshold onsite, the physical amount of space available to locate residential units is reduced. This example does not assume a change in unit types from what is proposed.

Attachment B – Example 6

Property Zoned R-90 TDR 6 (In acres)				
	Existing FCL	Amendments proposed by MNCPPC	First Council Amendment	Second Council Amendment
Net Tract Area	12.8	12.8	12.8	12.8
Land Use	High Density	High Density	Medium Density	Medium Density
Afforestation Threshold	1.92	2.56	3.20	3.20
Conservation Threshold	2.56	3.2	3.84	3.84
Existing Forest	9.42	9.42	9.42	9.42
Forest to be Cleared	7.22	6.22	5.58	5.58
Forest to be Saved*	2.2	3.2	3.84	3.84
Total Planting	2.44	1.56	5.58	2.79
Fee-in-lieu or planting cost at \$0.90/sq. ft.	\$95,461.74	\$60,962.22	\$218,758.32	\$109,379.16

* The amount of forest saved under this example changes because the application must meet the conservation threshold onsite. That is, this property is in a single-family zone that is using an optional method of development. When an application must meet the conservation or afforestation threshold onsite, the physical amount of space available to locate residential units is reduced. This example does not assume a change in unit types from what is proposed.

Attachment B – Example 7

Recorded Single Lot (In acres)				
	Existing FCL	Amendments proposed by MNCPPC	First Council Amendment	Second Council Amendment
Net Tract Area	1.66	1.66	1.66	1.66
Land Use	Medium Density	Medium Density	Medium Density	Medium Density
Afforestation Threshold	0.33	0.42	0.42	0.42
Conservation Threshold	0.42	0.5	0.5	0.5
Existing Forest	1.66	1.66	1.66	1.66
Forest to be Cleared	1.30	1.30	1.30	1.30
Forest to be saved	0.36	0.36	0.36	0.36
Total Planting	0.42	0.57	1.44	0.86
Fee-in-lieu or planting cost at \$0.90/sq. ft.	\$16,465.68	\$22,209.07	\$56,453.76	\$33,597.83

Reforestation Efforts





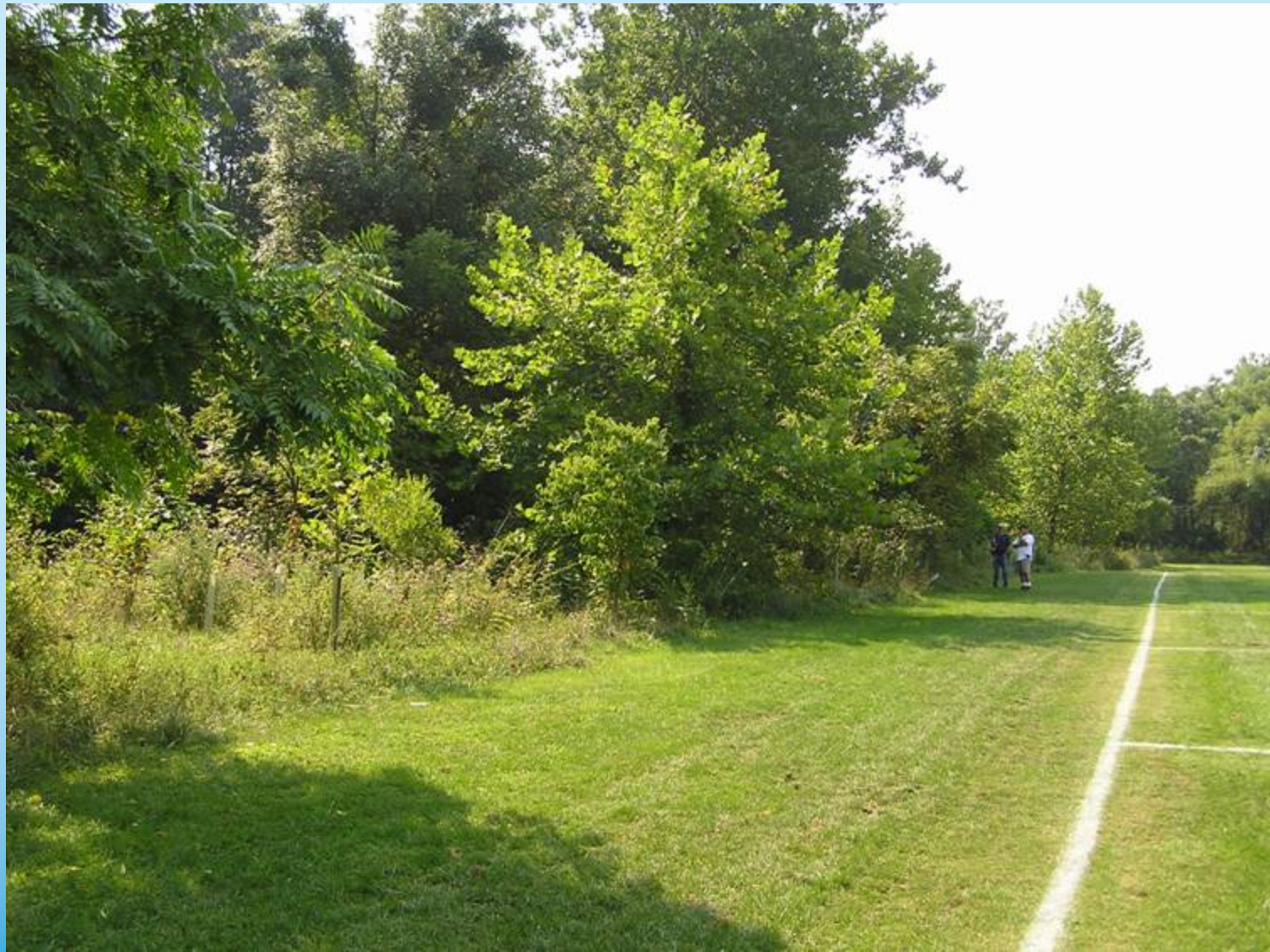




























Reforestation Efforts



Trees and forests filter groundwater, slow stormwater runoff, help alleviate flooding and supply wildlife habitat. Trees cleanse the air, offset the heat generated by development and reduce energy needs. Trees improve quality of life in a community by providing recreation and visual appeal.

WQAG MEETING SUMMARY

March 10, 2008

DEP, 255 Rockville Pike, Suite 120, Rockville MD 20850

7:00 p.m.– 9:00 p.m.

Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Ed Brandt, public-at-large	✓		Bob Hoyt, Director, DEP
Jill Coutts, scientific/academic	✓		Laura Miller, DEP
Kay Fulcomer, public-at-large	✓		Megan Conlon, UMD student
Scott Kauff, public-at-large	✓		
Lonnie Luther, agricultural		✓	
Glenn Moglen, scientific/academic	✓		
David Plummer, agricultural	✓		
Dusty Rood, Vice-Chair, business	✓		
Fred Samadani, agricultural	✓		
Mary Segall, business		✓	
Larry Silverman, Chair, environmental	✓		
Mike Smith, environmental	✓		
Tanya Spano, environmental		✓	
Eileen Straughan, business	✓		
Ilisa Tawney, public-at-large	✓		
Martin Chandler, WSSC	✓		
Meo Curtis, DEP	✓		
Doug Redmond, MNCPPC	✓		

Agenda Item	Action
1. Welcome and agenda. Chair Silverman	Chair Silverman welcomed all and recommended that the discussion on the Forest Conservation Law be discussed first in order to accommodate Director Hoyt's need to leave at 7:30 p.m. for another appointment.
2. Forest Conservation Law	<p>Director Hoyt noted that he and Laura Miller, Forest Preservation Coordinator, had come to the meeting to answer any questions that the WQAG might have at this point on the proposals to improve the County's Forest Conservation Law. The DEP intended to come back in June at the joint meeting with the Energy and Air Quality Committee to hear recommendations after subsequent discussion and issue development.</p> <p>There were a number of existing and ongoing efforts related to forest and tree preservation in the County, including the Forest Preservation Strategy and update, the Forestry Task Force, and the Green Infrastructure Master Plan. From DEP's standpoint, the Forest Conservation Law should be updated for enhanced environmental protection.</p> <p>The WQAG proceeded with a number of questions and discussion points on how to improve forest preservation, particularly in regards to water quality protection and restoration. These included the need to determine the significance of privately-owned lots, to maintain and restore forests through the development process, to look at zoning guidelines to maintain forest cover, and to evaluate map-based frameworks vs small-scale functional assessments to keep higher quality forests on specific parcels. There was also mention of how the countywide effort should be linked to COG regional, state of Maryland, and Chesapeake Bay Program initiatives associated with water quality, habitat, air quality, and climate change.</p> <p>Chair Silverman thanked Director Hoyt and Ms. Miller for coming to this meeting and on behalf of the WQAG, looked forward to the June meeting and more detailed discussion about the Forest Conservation Law.</p>

Meeting was adjourned at 9:15 p.m.

Next meeting: April 14, 2008

Meeting summary prepared by Meo Curtis, DEP

Page 1 of 2

WQAG MEETING SUMMARY

Agenda Item	Action
3. Approval of February Meeting Summary. Chair Silverman.	Chair Silverman asked for any corrections or changes to the draft February summary. He noted that the spelling of Mr. Elrich's name needed to be corrected. The WQAG then approved the summary with the noted spelling correction.
4. Updates on Annual Meeting and Follow Up activities. Chair Silverman.	<p>Chair Silverman provided a brief summary of the annual meeting with the County Executive which took place on February 26 and transmittal of the Annual Report to the Executive and Council. He noted a follow up e-mail from Council member Floreen and her repeated recommendation to let the Council know what the WQAG issues and concerns may be.</p> <p>Vice-Chair Rood reminded the WQAG about Councilmember Ervin's interest in creating a diverse community of water quality stakeholders. He suggested that the WQAG contact her office to find a champion to reach out to the minority communities in the County on water quality issues. Chair Silverman indicated that he would follow up with Ben Stutz, policy analyst, who had participated in the January WQAG meeting on behalf of Ms. Ervin.</p>
5. Outreach Workgroup- Jill Coutts	<p>Tanya Spano had been scheduled to lead a discussion on regional outreach issues. However, she was unavoidably delayed at an out-of-state conference so this item was deferred until the next meeting.</p> <p>Ms. Coutts provided a summary on the Watershed Outreach Workshop on March 8th. This was organized by the Friends of Sligo Creek to provide watershed groups with basic information on creating and implementing an effective outreach program. Ansu John, DEP Outreach Coordinator, provide a presentation on how to use social marketing techniques to identify specific message that needed to be conveyed and the most direct approach to getting that message out to targeted audiences. The workshop was well-received and apparently other groups are interested in future similar workshops.</p> <p>The WQAG then discussed the concept of Community Gardens as a neighborhood outreach mechanism. Jill Coutts, Dusty Rood, and Ed Brandt volunteered to follow up on the City of Rockville Community Gardens, with CASA de Maryland, and with Valerie Ervin and develop recommendations to bring to the next WQAG meeting.</p>
Next Meeting	The next meeting will focus on regional outreach issues, discussion led by Tanya Spano. Mike Smith also asked about the status of the regional geese management plan and follow up to the WQAG letter to the Executive. Meo Curtis noted that DEP and Department of Parks had been directed to follow up with the regional agencies on coordination efforts for geese and other pest species.

WQAG MEETING SUMMARY

April 14, 2008

DEP, 255 Rockville Pike, Suite 120, Rockville MD 20850

7:00 p.m.– 9:00 p.m.

Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Ed Brandt, public-at-large	✓		
Jill Coutts, scientific/academic	✓		
Kay Fulcomer, public-at-large	✓		
Scott Kauff, public-at-large	✓		
Lonnie Luther, agricultural	✓		
Glenn Moglen, scientific/academic	✓		
David Plummer, agricultural	✓		
Dusty Rood, Vice-Chair, business	✓		
Fred Samadani, agricultural	✓		
Mary Segall, business		✓	
Larry Silverman, Chair, environmental	✓		
Mike Smith, environmental	✓		
Tanya Spano, environmental	✓		
Eileen Straughan, business		✓	
Ilisa Tawney, public-at-large		✓	
Martin Chandler, WSSC		✓	
Meo Curtis, DEP	✓		
Doug Redmond, MNCPPC	✓		

Agenda Item	Action
1. Welcome, draft agenda, and March Summary. Chair Silverman	Chair Silverman welcomed all at 7 p.m. A quorum was established. The order of items on the draft agenda was modified to accommodate the late arrival of Tanya Spano who was to speak on Regional Outreach. The March summary was approved without changes.
2. Report on Rules concerning attendance. Chair Silverman	Chair Silverman provided an update on the County's policies and regulations concerning attendance once appointed to an Executive's Board/Committee/Commission. He distributed e-mail correspondence with Beth Gochrach of the Executive's Office on attendance rules (attached). The requirements were changed very recently, in 2005, because of an increasing number of issues related to absences and inconsistent application of meeting attendance policies among the more than 80 boards with more than 1,200 members. The current meeting attendance requirements are also attached: cannot miss more than 25% of scheduled meetings in one year or more than 2 consecutive meetings. <i>The WQAG did not propose any changes to the existing rules and policies.</i>
3. Green Area Rules. Vice-Chair Rood	Vice-Chair Rood provided an update and led the discussion on green area requirements for development or redevelopment. He distributed the definitions section of Article 59-A of the Montgomery County Code Zoning Ordinance Chapter 59 (attached) including 'green area'. Councilmember Marc Elrich had introduced a proposal (Zoning Text Amendment 08-01) to require actual green space. WQAG discussion points included 1) consideration of specific amount of vegetated area, as required through the City of Seattle's Green Factor approach; 2) the need to consider stormwater management; and 3) the need for public use green space. Ms. Curtis agreed to provide links to additional background material on the proposed zoning text amendment and the Seattle Green Factor. <i>Scott Kauff and Vice-Chair Rood agreed to draft comments about the 'green area' definition and need to consider opportunities for water quality improvement and to distribute prior to the May 14 meeting.</i>

Meeting was adjourned at 9:15 p.m.

Next meeting: May 12, 2008

Meeting summary prepared by Meo Curtis, DEP

Page 1 of 4

WQAG MEETING SUMMARY--DRAFT

Agenda Item	Action
<p>4. Report on Regional Outreach. Tanya Spano</p>	<p>Tanya Spano of the Outreach Committee distributed a summary on Regional Outreach (attached). These had been compiled with input from Meo Curtis of the DEP. Ms. Spano noted that there were no items enforcement or funding although these are necessary for outreach success. The WQAG discussed the need for effective networking among government agencies and non-governmental organizations and with elected officials.</p> <p>Mr. Kauff asked about the status of the Executive's response to the WQAG letter concerning the need for a regional management plan for resident Canada Geese and other wildlife nuisances. Ms. Spano had indicated the possibility of her pursuing the issue with COG since it is a regional agency. Ms. Curtis noted that the Executive had directed joint follow up from her and Doug Redmond as the Parks representative and that she had circulated next steps from the National Park Service, a regional agency, which had held public meetings last year about managing resident Canada Geese. The National Park Service is now developing a formal Environmental Impact Statement on this issue and some WQAG members expressed concern about how long this federal process would take. Ms. Curtis suggested that the WQAG members review the many items on the list of regional outreach issues and consider which should have the highest priority by the WQAG and agency follow up for improving water quality.</p> <p>Ed Brandt reminded the WQAG about the community garden initiative discussed at a previous meeting and of interest among non-governmental organizations to get going on this. Ms. Spano noted the feedback from Ben Stutz of Councilmember Ervin's staff to recommend some specific watersheds in District 5 for outreach to communities that were now underrepresented in environmental activities. <i>A subcommittee including Mr. Brandt, Ms. Spano, and Ms. Coutts agreed to pursue next steps to getting the community garden effort underway and report back at the next WQAG meeting.</i></p>
<p>5. Forestry Law. General Discussion, 6. Other Committee Updates 7. Planning for next Meeting.</p>	<p>The time was 9 p.m. at the close of discussion on item #4 of the agenda so the three other agenda items were deferred. Chair Silverman asked each member to provide one question about forest and tree preservation to all WQAG members that could be considered at the May meeting and in advance of the briefing by DEP, Planning, and Council at the June meeting.</p>
<p>Next Meeting</p>	<p>May 12: Environmental Regulatory Framework for Development – Land Use Committee. Road Code Update from Stan Edwards.</p> <p>June 9: Joint meeting with Energy and Air Quality Committee on the Forest Conservation Law. Councilman Marc Elrich invited.</p>

WQAG MEETING SUMMARY

April 14, 2008

Correspondence between Larry Silverman with Beth Gochrach on Attendance Rules March 2008

Question:

I would like to start a dialogue with you on attendance rules. In the last year, three of our best members got caught up in the rules. This is an indication that the rule as formulated is not achieving its objective. Times have changed since the rules were made. Email, conference calling, etc. The rule's effect is paradoxical. I do believe that the Executive, counseled by the Chair and Vice Chair should have some means of removing dead wood. But a strict attendance rule is not it. How do we proceed in a way that would be most helpful to you?

Answer:

I understand your concern about the attendance policy being too restrictive but, if you're not already familiar with it, this is the background: Mo. Co. Code. Chapter 2, Article XI (attached), Sect. 2-146 (c) states that a Committee Evaluation and Review Board (CERB) must convene every 10 years to review board policies and procedures. The CERB met from 2002-2004 and published recommendations in 2005 (see link and scroll down the page to the CERB report link. Search on "attendance" or go to page 5, number 5, to read recommendations

<http://www.montgomerycountymd.gov/mcgtmpl.asp?url=/content/exec/boards/boards.asp>).

The conclusion was that although an attendance policy (where anything over a flat 25% absence was a violation) was in place, it was applied inconsistently. The recommendation was that a uniform policy, "phased" for fairness based on number of meetings per year, be implemented. Since there are 80+ boards and 1200+ members, I think this is probably a more reasonable approach than allowing what might become subjective or discriminatory judgments of various chairs/vice chairs in assessing the validity of member absences. As you know, when members exceed the number of allowed absences, waivers can be requested and granted by the County Executive. Staff and chair comments can be considered in the decision. This is usually a simple process, promptly completed. All that said, we really do appreciate the fact that members are volunteers who donate their time, energy and skills for the benefit of the public. The objective of the attendance policy, as I see it, is to encourage attendance and, ultimately, enhance the effectiveness of our boards, not to unduly pressure members. Regarding your point about technology, specifically conference calls, they are allowed on an occasional basis in place of actual attendance, but this isn't to be encouraged on a regular basis. I don't believe email correspondence is considered attendance. Finally, this isn't to say the law can't be changed; it is just beyond the scope of this immediate discussion. I hope this has been somewhat helpful. Let me know your thoughts.

WQAG MEETING SUMMARY--DRAFT

April 14, 2008

Removal

- Absenteeism—A member who misses more scheduled meetings or hearings of the full b/c/c (for which at least 7 days advance notice was given) than the number of allowed absences, or who **misses 3 consecutive scheduled meetings**, is **automatically removed**.

Number of Meetings Held in One Year	Allowed Absences
1-4	1
5-8	2
9-12	3
13-15	4
17+	5

- Notice to County Executive—The presiding officer of the committee must promptly notify the County Executive of any member who has been automatically removed for absenteeism. Automatic removal takes effect 30 days after the notification. A copy of this notice should be sent to all members of the committee, including the member being removed.

WQAG MEETING SUMMARY

May 12, 2008

DEP, 255 Rockville Pike, Suite 120, Rockville MD 20850

7:00 p.m.– 9:00 p.m.

Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Ed Brandt, public-at-large	✓		Mark Symborski, MNCPPC Planning
Jill Coutts, scientific/academic	✓		Anya Caldwell, MCPS Green Buildings
Kay Fulcomer, public-at-large	✓		Craig Shulman, MCPS Division of Construction
Scott Kauff, public-at-large	✓		Rick Ducey, nominated for WQAG
Lonnie Luther, agricultural	✓		Vince Berg, independent stormwater consultant
Glenn Moglen, scientific/academic		✓	
David Plummer, agricultural	✓		
Dusty Rood, Vice-Chair, business		✓	
Fred Samadani, agricultural	✓		
Mary Segall, business		✓	
Larry Silverman, Chair, environmental	✓		
Mike Smith, environmental	✓		
Tanya Spano, environmental	✓		
Eileen Straughan, business	✓		
Ilisa Tawney, public-at-large* resigned 4/2008		✓	
Martin Chandler, WSSC	✓		
Meo Curtis, DEP	✓		
Doug Redmond, MNCPPC	✓		

Agenda Item	Action
1. Welcome and draft agenda. <i>Chair Silverman</i>	Chair Silverman welcomed all at 7 p.m. There was not a quorum, but Chair Silverman suggested that the agenda be modified to include the Green Schools presentation from Anya Caldwell and Craig Shulman of MCPS. A quorum was achieved at 7:30 p.m.
2. Presentation on Water Resources Element, <i>Mark Symborski, MNCPPC Planning</i>	<p>Mr. Symborski, environmental planner, provided a hand-out and presentation about the Water Resources Element (WRE) required through House Bill 1141 adopted in 2006. This is a State requirement for providing drinking water, wastewater treatment, and stormwater management capacity for all planned growth. The MNCPPC intends to include the WRE as part of the Functional Master Plan for the County's Comprehensive Plan. Mr. Symborski is currently meeting with County staff and reviewing all County programs related to the WRE requirements. He will then develop a matrix with the County information and identify next steps to meet the State's deadline with two extensions of October 2010 for WRE completion. He indicated that he would solicit WQAG input once review has been completed and the matrix developed. Fred Samadani provided information about the State's role in managing Maryland's Growth and two figures which showed the reduction in the amount of land conversion in the State if Smart Growth principles were used.</p> <p>Chair Silverman asked the WQAG for input on what concerns about the WRE to place before the Executive. The FY09 request for \$50,000 for consultant support to MNCPPC seems not likely this budget year, but seems the most efficient approach to allow Montgomery County to piggyback on the Prince George's County consultant effort. Other concerns raised included the use of the Watershed Treatment Model for loadings calculations and scenario analysis and an expectation that redevelopment impacts would also be addressed. <i>Chair Silverman indicated he would work with Mr. Samadani, Eileen Straughan, and Scott Kauff to identify issues to transmit to the Executive and Council.</i></p>

Meeting was adjourned at 9:15 p.m.

Next meeting: June 4, 2008

Meeting summary prepared by Meo Curtis, DEP

Page 1 of 2

WQAG MEETING SUMMARY

May 12, 2008

Agenda Item	Action
3. Introductions, special recognition, and approval of the April meeting summary. <i>Chair Silverman</i>	Chair Silverman asked all to introduce themselves and identify affiliations. He then presented Lonnie Luther with a Certificate of Appreciation from the County Executive. Mr. Luther had represented the agricultural community since 2002 including being Vice-Chair in 2005. Mr. Luther expressed his appreciation for working with his fellow WQAG members and their commitment to protecting the County's water quality. <i>Having a quorum, Chair requested and received approval for the April 2008 meeting summary.</i>
4. Green Schools and ESD/LID. <i>Anya Caldwell and Craig Shulman of MCPS</i>	Ms. Caldwell provided a presentation on the Montgomery County Public Schools (MCPS) 'Green School' program while Mr. Shulman presented information on the MCPS' relatively new approach to incorporate source control stormwater management practices as a standard design requirement. Ms. Caldwell gave examples of the energy and water conservation practices now being routinely implemented at new schools. There are currently 7 schools, either new or undergoing modernization, which will have LEED Silver certification. The initial outlays are more expensive than conventional approaches, but so far, there has been approximately a 5% annual savings for energy costs at Great Seneca Elementary School, the State's first LEED gold certified school. Mr. Shulman noted that the MCPS Division of Construction are emphasizing to their contractors that the use of ESD/LID is the preferred approach for stormwater. The MCPS is working with DPS and DEP to consider project goals, stormwater design guidelines, and maintenance issues as early as possible in the planning process. Asked about permeable paving systems, he told the WQAG that the early pilots are having some problem with spalling (roughing of surface) which are raising concerns about safety (tripping hazards) and runoff of the spalled material into the storm drain system. The WQAG will have an opportunity to see some of the innovative conservation practices at the July meeting which is scheduled to take place at the Great Seneca Elementary School.
5. Review and Approve/Table Letter on Green Area Rules, <i>Scott Kauff, WQAG</i>	Mr. Kauff summarized efforts to date for a letter to Council on the Zoning Text Amendment 08 01 regarding green space definition. His focus was to make the definition functionally green, rather than focusing on recreation as in the current law. <i>There was a motion, second, and approval to finalize the letter and send it to the Planning, Health, and Economic Development Committee.</i>
6. Forestry Law. General Discussion,	Chair Silverman had compiled the comments to date from fellow WQAG members concerning the Forestry Law. He would continue to receive comments for one more week and then would distribute to all WQAG members prior to the joint meeting with the Energy and Air Quality Advisory Committee.
7. Storm drain stenciling Mike Smith	Mr. Smith noted that a letter would be sent from community groups, including the Friends of Sligo Creek supporting the WQAG position in the letter sent to the Executive. Chair Silverman informed the group that he had spoken with Bob Hoyt about the WQAG opinions about storm drain stenciling.
8. Community Gardens Report and Discussion <i>Jill Coutts and Ed Brandt</i>	Ms. Coutts and Mr. Brandt outlined their progress to date to target underrepresented ethnic groups within the County. Mr. Brandt mentioned his success with Casa de Maryland and an emerging concern about toxics. Ben Stutz, aide to Councilmember Ervin had shown support for the project and a willingness to meet again with the WQAG to discuss more effective approaches. <i>The subcommittee will continue to develop a strategy to find technical and funding resources and a project site for the event.</i>
Next Meeting	June 4: Joint meeting with Energy and Air Quality Committee on the Forest Conservation Law.

Montgomery County Water Resources Functional Master Plan



**Water Quality Advisory
Group Briefing
May 12, 2008**



MONTGOMERY COUNTY PLANNING
DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Statutory Basis

- Signed into law on 5/2/06 as part of HB 1141
- All jurisdictions with planning and zoning authority must adopt a Water Resources Element (WRE) in their General Plans
- Due 10/09, or 10/10 with extensions
- The Water Resources Functional Master Plan (WRFMP) will amend the General Plan and guide area and sector master plans

Chesapeake Bay Regional Issues

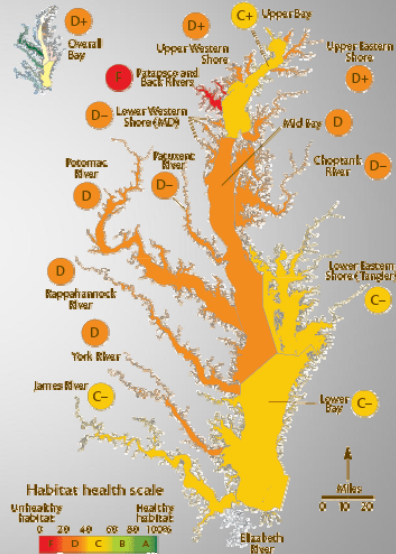
Clean Water



Today, the oyster population is reduced to about one percent of its historic level.

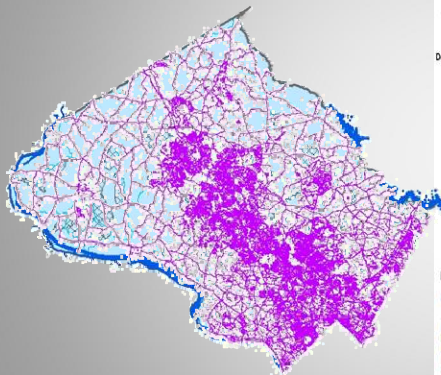


Potomac River Watershed

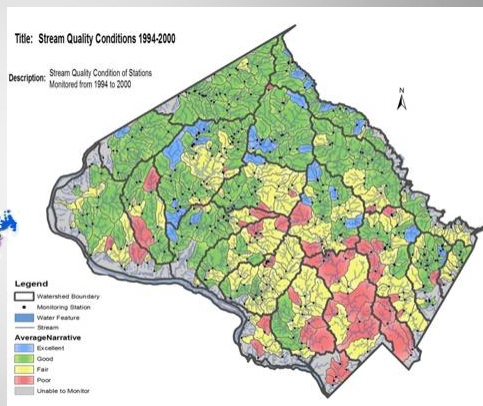


Water Quality and Development Pattern

Imperviousness



Water Quality



Plan Scope

- Will address how expected growth will affect and be affected by local water-related limiting factors
 - Water Supply
 - Capacity
 - Source Water Protection
 - Wastewater
 - Capacity
 - Point Source Pollution
 - Water Quality Standards
 - Stormwater
 - Non-point source pollution
 - Water Quality Standards

Plan Scope (cont.)

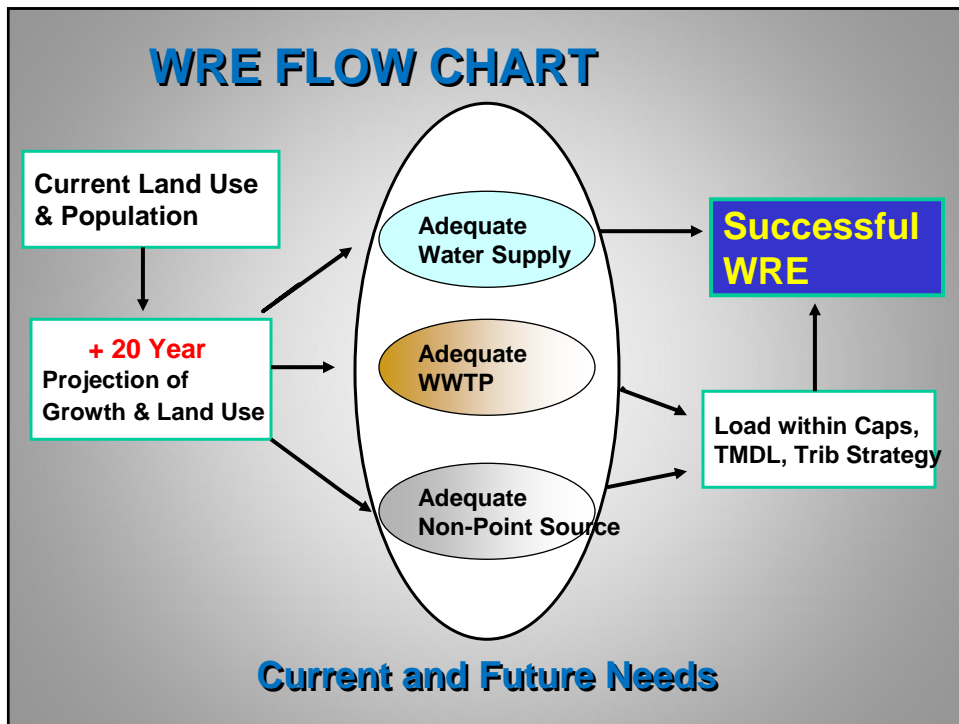
- Will identify policies and strategies to address limitations to avoid:
 - Building Moratoriums
 - Public Health Hazards
 - Adverse Environmental Impacts

Plan Purpose

- To ensure a **safe and ample supply** of drinking water, and adequate treatment of wastewater.
- **Minimize** the pollutant loading **impacts** to waters from the uses we employ on our land.
- Planning that **supports** the balance of sustainable **growth** and **preservation** of receiving ecosystems
- Help **establish growth area boundaries**, land-use recommendations, and preservation/conservation areas.

Benefits to the County

- Define a **clear link** between land use, water quality, and water and sewer capacity in the General Plan
- **Establish environmental policy choices** for the Planning Board
- **Providing a watershed-based approach** for reviewing planning decisions
- Show how to **accommodate future growth** and **maintain** water resource **capacities**, and water quality standards



WRFMP Assessments

- Drinking Water
 - Surface
 - Groundwater
- Wastewater
 - Treatment Plants
 - Septic Systems
- Stormwater
 - Non-Point Source Pollution
 - Maintaining Water Quality Standards in Receiving Waters



Growth Projections

- Population
- Households
- Employment
- Land Use



Planning for Water Supply

- Adequate Capacity
- Sustainable Yield
- Protection of Source Waters
- Protection of Natural Resources

Water Supply Alternatives

- Demand Management
- Increased Storage
- New Sources
- Water Supply Easements
- Redirected Growth



Planning for Wastewater

- Adequate Capacity
- Protection of water quality
 - NPDES Permit Limits
 - TMDL Limits
 - Tributary Strategy Goals

Wastewater Alternatives

- Expand Infrastructure
- Control Inflow and Infiltration
- Increase Treatment
- Wastewater Reuse
- Offsets
- Trading
- Redirect Growth



Planning for Stormwater

- Land Use Planning
 - Smart Growth
 - Area and Sector Master Plans
 - Green Infrastructure Functional Master Plan
 - Park Planning
 - Legacy Open Space
- Law and Code Revisions
 - Zoning Code
 - Road Code
 - Forest Conservation

Planning for Stormwater (cont.)

- Protection of Water Quality
 - Tier II Antidegradation Requirements
- Reduction in Pollution Loads
 - MS 4 NPDES Stormwater Permit Requirements
 - TMDL Limits
 - Tributary Strategy Goals
- Maintenance of Natural Flow Patterns

Stormwater Alternatives

- Reduce Impervious Surfaces
- Environmentally Sensitive Development (ESD)
- Apply more Best Management Practices (BMPs)
- Conserve/Expand Natural Resources
- Stream Restoration
- Redirect Growth
- Redevelopment
- Green Urban Design



Alternatives For Impervious Surfaces

- Establish Growth Boundaries
- Redevelop and Increase Density
- Increase Floor-Area Ratio
- Reduce Surface Parking
- Increase Mass Transit
- Conserve/ Expand Natural Resources
- Install BMPs

Inter-Agency Coordination

- Several County agencies will function as integral players in plan development
 - DEP
 - DPS
 - DPW&T
 - WSSC
- State Agencies
 - MDP
 - MDE



Intra-Jurisdictional Coordination

Seven municipalities in the County are required to complete their own WRE, necessitating the need for intra-jurisdictional plan coordination

- Rockville
- Gaithersburg
- Poolesville
- Laytonsville
- Brookeville
- Barnesville
- Washington Grove



Inter-Jurisdictional Coordination

The County shares borders and watersheds with three other counties and the District of Columbia necessitating the need for regional plan coordination

- Frederick
- Howard
- Prince George's
- District of Columbia



Relationship to Other Plans

- General Plan
- Area and Sector Master Plans
- Green Infrastructure Master Plan
- Parks, Recreation, and Open Space Plan
- Legacy Open Space Plan
- Environment and Energy Policy Framework
- 10-Year Water and Sewerage Plan

Public Outreach

- **Public Stakeholder Focus Groups**
- **Public Information Forums**
- **School Outreach**



Next Steps

- Currently working with an interagency committee
 - Identifying information needed to complete the plan
 - Current Programs and Plans
 - Additional Work Needed
- Intra-Jurisdictional Coordination
- Inter-Jurisdictional Coordination
- Purpose and Outreach Strategy

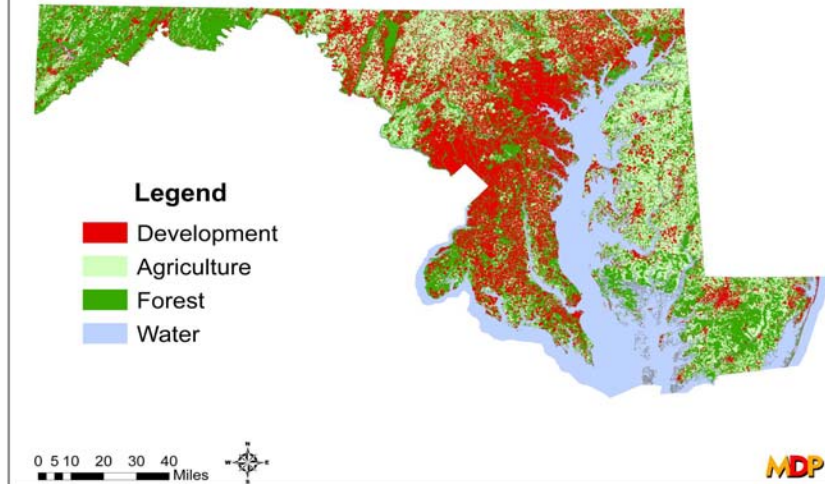
Questions/comments?

**Mark Symborski
Planner Coordinator, M-NCPPC
Montgomery County Planning Department
Environmental Planning Section
301-495-4636**

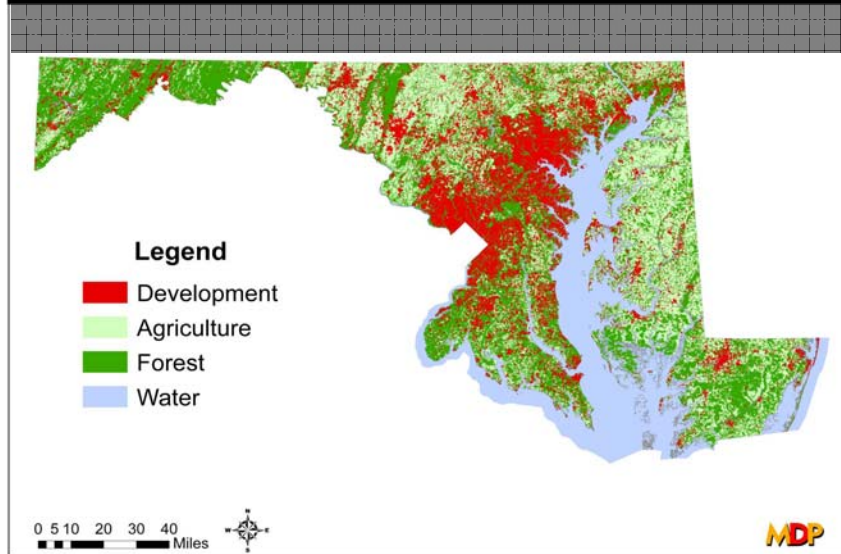
e-mail: mark.symborski@mncppc-mc.org

2030 Land Use for Maryland Current Trend Scenario

(Assumes that current programs (zoning, sewer plans, protected land, etc.) remain the same)



2030 Land Use for Maryland Smart Growth Scenario





Anja S. Caldwell, LEED™
Green Building Program Manager
Division of Construction, 240-314-1095
Anja_S_Caldwell@mcpsmd.org

Schools2Green.org

School Facilities of MCPS

- MCPS has 205 Schools and 139,000 students, largest district in MD
- 22,000 employees
= largest county employer
- Overall 20 million sf of facilities

Schools2Green.org

Sustainability Programs at MCPS

- Green Building Program
- Recycling Program
- Tools for Schools – IAQ
- Integrated Pest Management – IPM
- Healthy High Performance Green Cleaning
- Outdoor Education – GreenKids and MD Governor's Green Schools Program
- Green Schools Focus = User Education



Schools2Green.org

MCPS Green Building Program

- Active since 2003
- "Out of the Closet" in 2006
- DFM LEED Task Force since 2006
- MCPS Board of Education Distinguished Services Award in 2006
- Program manager is member of MD Green Building Council appointed by Governor O'Malley



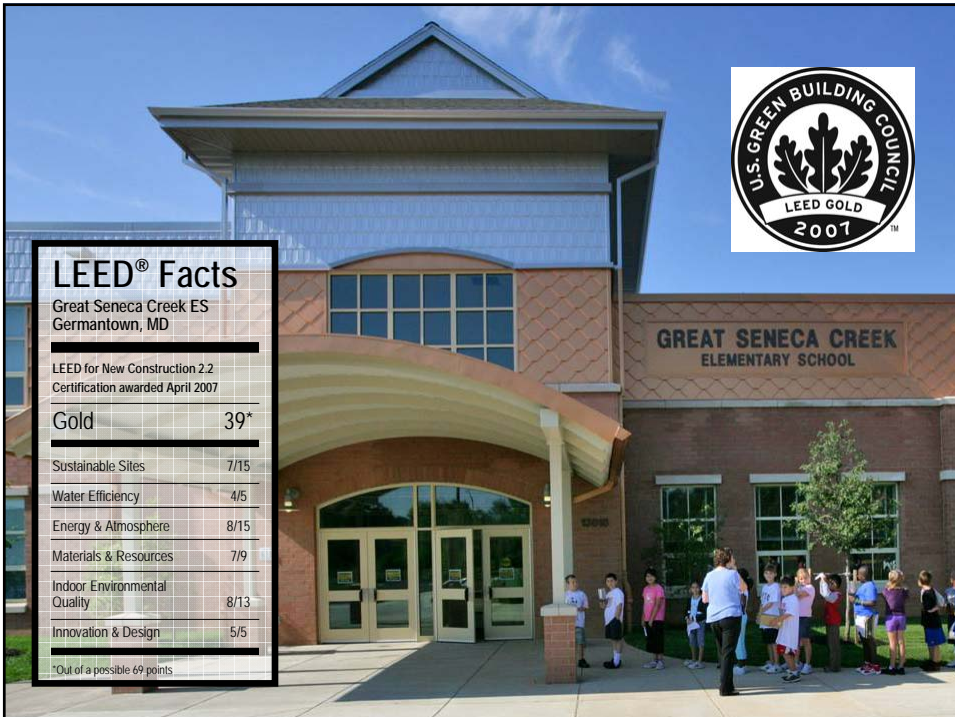
Schools2Green.org


Green Building Rating System for Schools – LEED for Schools

– April 2007, new national standard from the US Green Building Council based on LEED - Leadership in Energy and Environmental Design- for total of 79 points for new schools and major renovations




Schools2Green.org





LEED® Facts

Great Seneca Creek ES
Germantown, MD

LEED for New Construction 2.2
Certification awarded April 2007


Gold	39*
Sustainable Sites	7/15
Water Efficiency	4/5
Energy & Atmosphere	8/15
Materials & Resources	7/9
Indoor Environmental Quality	8/13
Innovation & Design	5/5

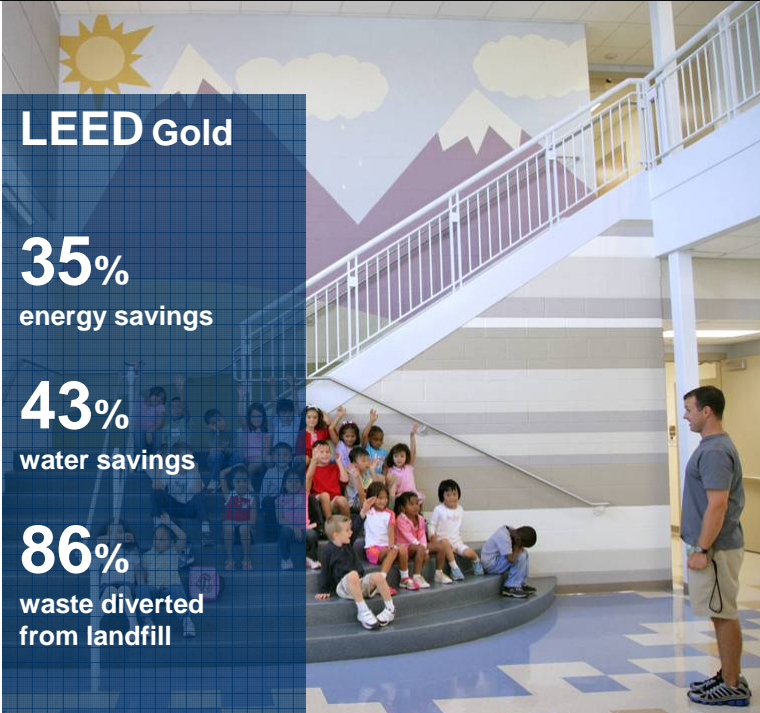
*Out of a possible 69 points

Case Study
Great Seneca
Creek ES in
Germantown,
MD

Montgomery County
 Public Schools, MD
owner

First LEED certified
 Elementary School
 in Maryland
 84,000 sq ft






LEED Gold

35%
energy savings


43%
water savings

86%
waste diverted
from landfill

www.School



Montgomery County Public Schools
 ROCKVILLE, MARYLAND



Green User Education

CONSERVE ENERGY!

POWER TO SILENCE!

Generating electricity causes pollution and global warming. Less than 30% of the electricity made by America is used in classrooms but one school is actually being used at GSO, the rest is lost in the transport.

Here is how you can help to protect the environment and avoid global warming in this classroom:

- Close the blinds at night.
- Turn off all the lights when you leave.
- Use daylight and only as many electrical lights as you need.
- Turn off computers and printers.

GREEN SCHOOLS FOCUS.ORG

GEOTHERMAL ENERGY

Geo = earth Thermal = heat

Geothermal heat pump uses the constant energy from the earth to provide heating and cooling.

Water:

- A water pump circulates water through the pipes buried in the ground, absorbs heat from the earth and carries it into the school.
- The heat pump concentrates the earth's thermal energy and transfers it to hot air circulated around the school.

Summer:

- Heat is extracted from the air in the school (cooling the air) and transferred through the heat pump to the ground.

GREEN SCHOOLS FOCUS.ORG

RENEWABLE ENERGY USE @ Great Seneca Creek ES

GEOTHERMAL ENERGY
SOLAR ENERGY
WIND ENERGY
HYDRO ENERGY
BIOFUEL ENERGY

Renewable Energy vs **Non-Renewable Energy**

WE USE GEO AND SOLAR ENERGY AT GREAT SENECA CREEK ELEMENTARY.

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Recycled Materials

• Plastic is made from oil

• 1.8 ton of oil is saved for every ton of plastic recycled.

• There are over 100 different varieties of plastics.

• Bathroom partitions at GSO are made of 100% recycled plastic.

Reduce, Reuse, Recycle, Respect

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Indoor Environment

- Open the blinds and turn off the lights during the day – lots of daylight and views to the outside help students learn better.
- Close blinds at night for energy conservation.
- Closed curtains allow for larger windows, so more light can get in.

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Sustainable Materials

- The casework at GSO is made from vinyl straw and a polycarbonate resin – natural board.
- Vinylboard is a rapidly renewable material of byproduct.
- Vinylboard reduces waste, prevents pollution and saves trees.

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Indoor Environment

GREEN HOUSEKEEPING

To create a clean, healthy, safe and more productive indoor environment for students and staff.

Products:

- Products used minimize exposure to hazardous substances.
- Cleaning products minimize impact on the environment.

Procedures:

- Cleaning procedures are geared towards "cleaning for health," achieving a maximum removal of pollutants.

Training:

- Effective, efficient cleaning methods.
- Safe use of cleaning products.

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SAVE WATER!


Real flush toilets 1.6 or 0.8 gallons

If it is brown, push here!

If it is yellow, push here!

2 or 1

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Rain that falls on Great Seneca Creek Elementary...


- Drains into Great Seneca Creek
- Great Seneca Creek drains into the Potomac River
- Potomac River drains into the Chesapeake Bay
- Chesapeake Bay drains into the Atlantic Ocean

Great Seneca Creek ES is part of the Chesapeake Watershed!

Great Seneca Creek
Potomac River
Chesapeake Bay
Atlantic







WATER CONSERVATION

When washing your hands, don't let the water run while you lather.

Did you know that ?

- 97 % of all water in the world is salty.
- 2% is locked up in ice caps and glaciers.
- That leaves 1% for all our needs.

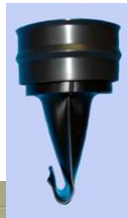





WATERLESS URINALS

- No need to flush
- Odorless
- Improves restroom hygiene
- Conserves 1.5 to 3 Gallons per use

Did you know?
20 % of 1% of
available fresh
water in the
world is flushed
down the drain.







WATER CONSERVATION

Dual Flush Option

- Kindergarden
- Girls Restrooms on 1st floor

1.6 gallons for # 2
0.8 gallons for #1







Green User Website

www.montgomeryschoolsmd.org
Montgomery County Public Schools
ROCKVILLE, MARYLAND

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GREEN SCHOOLS FOCUS

- > SERT
- > SERT Green Schools
- > Green Building
- > Energy Resources Team
- > Energy Data
- > Recycling
- > DFM

GREEN BUILDING

- > High Performance Green Building Plan
- > Program Brochure
- > Green Portable Design Challenge
- > Green Building Report
- > Division of Construction
- > Indoor Air Quality Team



Green Building

Kindergarten Class at first day of school at Great Seneca Creek Elementary School in Germantown

Photo: Katherine Frey

Great Seneca Creek Elementary School

- First LEED School for MCPS and State of Maryland

<p>The School in the Press</p> <p>Germantown School Goes Green - FOX 5 News August 2006</p> <p>Video of Visit by Superintendent Dr. Jerry Weast- Broadband</p> <p>MCPS experiments with tech tools - Great Seneca Creek is county's first school to go all wireless The Gazette September 2006 by</p>	<p>Presentations PDFs</p> <p>GSC Brochure</p> <p>Green Information Kiosk in Lobby</p> <p>Introductory Presentation for on site LEED Tour at Great Seneca Creek ES</p> <p>LEED at MCPS</p>	<p>Green Resources MCPS</p> <p>MCPS Green Building Program Description</p> <p>High Performance Green Building Plan</p> <p>The LEED System</p> <p>User Education Signage</p>
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Schools2Green.org

www.montgomeryschoolsmd.org
Montgomery County Public Schools
ROCKVILLE, MARYLAND

HOME ABOUT US SCHOOLS COMMUNITY FOR PARENTS FOR STUDENTS FOR STAFF

GREEN SCHOOLS

- > SERT
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- > DFM

GREEN BUILDING

- > High Performance Green Building Plan
- > Portable Classroom Design Challenges
- > Green Building Report
- > Division of Construction
- > Indoor Air Quality Team
- > School Plant

Healthy High Performance Cleaning Initiative

Green Building MCPS

Healthy High Performance Cleaning Initiative

The Division of School Plant Operations is in the process of implementing a Healthy, High Performance Cleaning Initiative (HHPCI), sometimes referred to as Green Cleaning. HHPCI focuses on occupant health and environmental impact, not just appearance. As a result, we will be testing several products and procedures at school sites to evaluate their performance.

School Plant Operations

Green Cleaning Pilots at MCPS

Elementary School
Oakland Terrace ES

Middle School
Vineview MS

High School
Kennedy HS

Case Study from Long Island - Download Video

Green Cleaning Resources

List of MCPS approved school products database

MCPS Indoor Air Quality Program - Download

The New American Dream Website on Green Cleaning

List of Green Cleaning Products

Green Plan Program

Montgomery County Public Schools
ROCKVILLE, MARYLAND

Healthy High Performance Cleaning Initiative

Green Tech

- Geo-exchange
- Waterless Urinals
- Green "Learning Cottage"
- Healthy High Performance Cleaning
- Pervious Pavement
- Vegetated "Green" Roofs



Schools2Green.org

Vegetated "Green" Roof Pilot

at Northwood High School

- Extensive Green Roof Pilot
- Installed August 2005
- First on public school in MD



Schools2Green.org

Northwood HS Roof Run-off Measurements

Date	Greenhouse rain barrel	Greenroof
6/12/2007 (thunderstorm)	40 l	0 ml
6/13/2007 (thunderstorm)	105 l	700 ml

Schools2Green.org

Green Roof Cost Study

Case Study new middle school:

Item	Cost/ sqft.	Sqft.	Total
Vegetative Roof System	\$ 20.00	108,000	\$ 2,160,000.00
Leak Detection System	\$ 0.30	108,000	\$ 32,400.00
Ordinary Roof			
w/ white Cap Sheet	(\$ 7.50)	108,000	(\$ 810,000.00)
Extra Steel (\$19.67 *.14)	\$ 2.75	108,000	\$ 297,000.00
Increase in footings	Lump Sum		\$ 85,000.00
Sitework Savings	Lump Sum from Adtek		(\$670,000.00)

=====

TOTAL INCREASE = \$ 1,094,400.00

Schools2Green.org

Montgomery County Green Building Law

- Montgomery County Council passed law for public buildings to be LEED certified starting FY '08
- All new schools and modernizations will be designed to LEED at a maximum level (min. Silver) and get certified
- All additions will be designed to LEED specifications, but not certified



Schools2Green.org



Governor visits Great Seneca Creek ES

Maryland Governor Martin O'Malley and kindergarten students at Great Seneca Creek ES use clickers to interact with a data screen as they work on a project about protecting the environment. O'Malley and other state and county government officials visited Great Seneca Creek classrooms and other areas April 11 to see the first Leadership in Energy and Environmental Design (LEED) school in action. In addition to its energy-saving design elements, the school features state-of the-art interactive technology.

Schools2Green.org

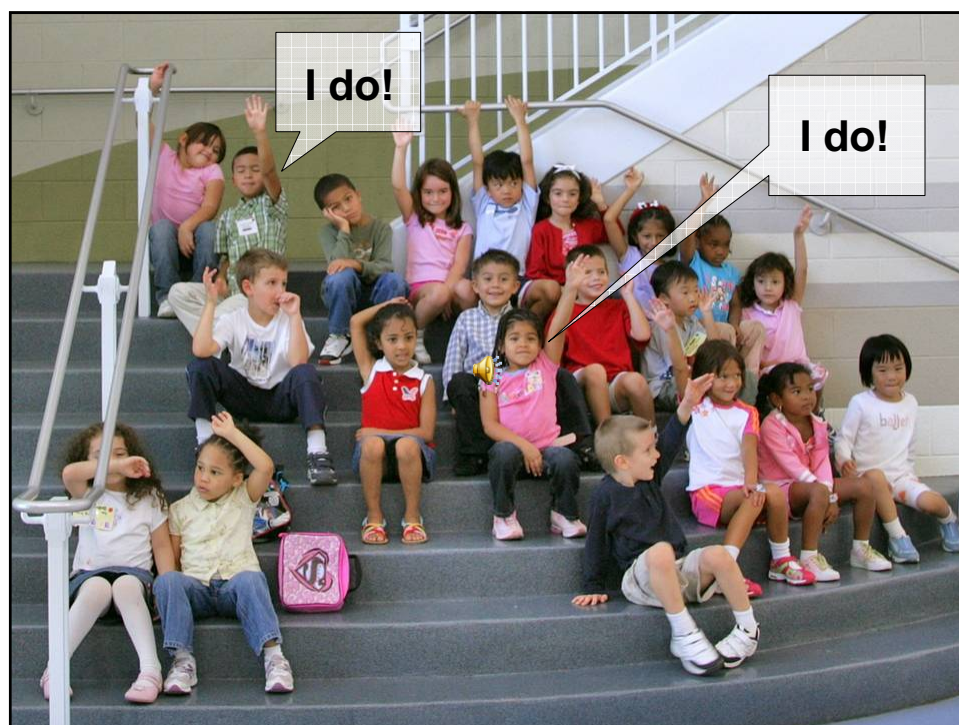
When we say 'green' we mean that our school is earth friendly, energy friendly and people friendly. Our school is kind to the environment. It is also a healthy space for learning.



Virtual Tour created by students

www.Schools2Green.org

Come inside and we will show you what we mean.



Resources

- www.Schools2Green.org
= MCPS Green Building Program
- www.GreenSchoolsFocus.org
= MCPS Student Education Programs
- www.usgbc.org – US Green Bldg. Council
- www.BuildGreenSchools.org
= US Green Building Council's LEED for Schools Website
- <http://ecoschools.blogspot.com>
= Green Schools Blog Anja S. Caldwell



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Montgomery County Public Schools
ROCKVILLE, MARYLAND



Environmental Site Design & Low Impact Development

Improving Our Water Quality In
Harmony With Nature

May 12, 2008

CORE ENVIRONMENTAL SITE DESIGN PRINCIPLES

**For the Implementation of the Maryland Stormwater Management
Act of 2007 as Endorsed By The Stormwater Consortium**

"The goal of environmental site design (ESD) is to mimic natural systems as rain travels from the roof to the stream through combined application of a series of practices throughout the entire development site.

The objective of ESD is to replicate forest hydrology and water quality following land development. ESD practices are considered at the earliest stage of site design, implemented during construction and sustained in the future as a low maintenance natural system. Each ESD practice incrementally reduces the volume of stormwater on its way to the stream, thereby reducing the amount of conventional stormwater infrastructure." ¹

¹ Stormwater Management Act of 2007 Core Principles February 2008

Core ESD Principles At-A-Glance

Table 4: Core ESD Principles at a Glance ²

Site Analysis and Design 1 Increase Onsite Runoff Reduction Volumes 2 Require a Unified Early ESD Map 3 Establish Nutrient- Based Stormwater Loading Criteria 4 Apply ESD Techniques to Redevelopment 5 Integrate ESC and Stormwater Together at Construction Sites
Implementation 6 Provide Adequate Financing to Implement the Act and Reward Early Adopters 7 Develop an ESD Ordinance that Changes Local Codes and Culture 8 Strengthen Design Standards for ESD and Stormwater Practices 9 Ensure All ESD Practices can be Adequately Maintained
Enforcement 10 Devise an Enforceable Design Process For ESD 11 Establish Turbidity Standards for Construction Sites 12 Craft Special Criteria for Sensitive and Impaired Waters of the State 13 Implement ESD Training, Certification and Enforcement

² Stormwater Management Act of 2007 Core Principles February 2008

MCPS SITE DESIGN GUIDELINES

Part 1- REGULATORY COMPLIANCE (Permits, Codes and Standards) of The current Site Design Guidelines in the MCPS Facility Guide specifically requires all Architects and Engineers working on MCPS Facilities to comply with

- **Montgomery County Department of Permitting Services):**
 - Stormwater Management (waiver and/or approval)
 - Stormwater Management Concept (approval and permit)
 - Soil Erosion & Sediment Control (approval)
 - Wetlands (if applicable)
 - Flood Plain District Permit (approval and permit)
 - Special Protection Area (SPA) Preliminary and Final Water Quality Plans)
- **Montgomery County Department of Environmental Protection (DEP):**
 - SPA – Water Quality Monitoring
 - Soil Erosion & Sediment Control
 - Stormwater Management
 - Wetlands (if applicable)

MCPS A/E Design Requirements for LID/ESD

In addition to the very specific and detailed requirements for LEED and Green Schools Design, MCPS' current design standards specifically address LID and ESD in the design and construction of all school projects as follows:

A. General design guidelines for Low Impact Development (LID) measures for MCPS Site Design are:

- Preserve Open Space and Minimize Land Disturbance;
- Protect Natural Systems and Processes (drainage ways, vegetation, soils, sensitive areas)
- Re-examine the Use and Sizing of Traditional Site Infrastructure (lots, streets, curbs, gutters, sidewalks) and Customize Site Design to Each Site;
- Incorporate Natural Site Elements (wetlands, stream corridors, mature forests) as Design Elements
- Decentralize and Micromanage Storm Water at its Source.

NOTE: For more information about LID consult the Low Impact development Center <http://www.lowimpactdevelopment.org>

MCPS A/E Design Requirements for LID/ESD

B. Where feasible incorporate additional Low Impact Development Stormwater Management Practices that comply with Maryland Stormwater Design Manual, Volumes I & II (Effective. October 2000) Design Criteria and/or Montgomery County Stormwater Management Requirements. These include, but are not limited to:

- Natural Area Conservation
- Disconnection of Rooftop Runoff
- Disconnection of Non Rooftop Runoff
- Sheet Flow to Buffers
- Open-channel Use
- Environmentally Sensitive Development

MCPS A/E Design Requirements for LID/ESD

- C. Where feasible, employ approved low-impact device (LID) technologies that comply with Maryland Stormwater Design Manual, Volumes I & II (Effective October 2000) Design Criteria and Montgomery County Stormwater Management Requirements whichever are more stringent. Such LID technologies include:**

- Dry Wells
- Grass Channel
- Wet Swales
- Dry Swales
- Bio-retention
- Sand Filter Strips
- Constructed Wetlands
- Raingardens
- Bio-swales
- No Mow Zones
- Meadows

The only instances where other approved technologies (Water Quality and Quantity BMP's) shall be used are when it is not possible due to site, safety and design constraints to use LID technologies or, if necessary, to supplement LID technologies because of stormwater management design requirements and/or site, safety and design constraints.

MCPS A/E Design Requirements for LID/ESD

- D. Consideration should be given to incorporating the following innovative technologies and methodologies. Where feasible, their use is strongly recommended and encouraged:**

- Green Roofs
- Pervious Pavement Systems
- Limited Site Clearing
- Vegetated Walls (green grids, stainless wires)
- Vegetated Retaining Walls (gabion)
- Cisterns and Rain Barrels

Site Design Challenges and Constraints

MCPS Design Guidelines clearly establish LID and ESD as the first consideration in school and facilities design. However, their applicability and feasibility depend in great part on existing site conditions and development constraints:

- Topographic Constraints
 - Adequacy and/or availability of a suitable outfall
 - Environmental Buffers
 - Existing site development
 - Forest Conservation Requirements
 - Special Protection Area requirements
- Site size and School Program Requirements
 - Safety and Long-Term Maintenance

WQAG MEETING SUMMARY

June 4, 2008

DEP, 255 Rockville Pike, Suite 120, Rockville MD 20850

7:00 p.m.– 9:00 p.m.

Member and affiliation	Present		Others in attendance and affiliation
	Yes	No	
Ed Brandt, public-at-large	✓		Listed on attached sign in sheet
Jill Coutts, scientific/academic		✓	
Rick Ducey, business	✓		
Kay Fulcomer, public-at-large		✓	
Scott Kauff, public-at-large		✓	
Glenn Moglen, scientific/academic		✓	
Daphne Pee, public-at-large	✓		
David Plummer, agricultural		✓	
Dusty Rood, Vice-Chair, business	✓		
Fred Samadani, agricultural	✓		
Larry Silverman, Chair, environmental	✓		
Mary Segall, (resigned in 5/2008)		✓	
Mike Smith, environmental	✓		
Tanya Spano, environmental	✓		
Eileen Straughan, business		✓	
Martin Chandler, WSSC	✓		
Meo Curtis, DEP	✓		
Doug Redmond, MNCPPC	✓		

Agenda Item	Action
1. Welcome to joint meeting and introductions <i>Chair Silverman</i>	Chair Silverman welcomed all to this special joint meeting of the WQAG and the Energy and Air Quality Committee (EAQAC). The agenda included one hour in joint session to hear information and discuss the proposed changes to the Forest Conservation Law.
2. Presentation on Forest Conservation Law. <i>Laura Miller, DEP</i>	<p>Laura Miller, Forest Preservation Planner, presented on the existing and proposed changes by MNCPPC which focus on clarifying roles within and among agencies and enforcement and amendments from Councilmember Elrich which were intended to increase oversight and mitigation for tree loss. The changes are to be considered by Council later this summer.</p> <p>Ms. Miller provided a summary table of the major differences among the current law, that introduced by MNCPPC, and Councilmember Elrich amendments. She also handed out a Decision Tree on the law for private development to determine if the law applies and what level of review is necessary. The hand-outs and her presentation are attached to this summary.</p> <p>Subsequent discussion included questions about the long-term goals for protecting forests and riparian buffers and priorities between buffers and upland areas for replanting. A question was raised about increased cost of housing to cover increased mitigation requirements, but the point was raised about the value of the multiple environmental benefits of trees and forests on air, water and habitat that cannot be replaced if mitigation occurs other than at the original site. Ms. Miller noted the importance of protecting forests where they naturally exist as well as keeping some green in densely-developed areas which do not allow for forests. In these areas tree preservation and maintaining canopy coverage over high runoff areas is important.</p> <p>After more than one hour of presentation and discussion, Sue Gander and David Faerberg, co-chairs of EAQAC, noted that their group's subcommittee would meet to continue the discussion and maintain contact between the two</p>

Meeting was adjourned at 9:15 p.m.

Page 1 of 2

Next meeting: July 14, 2008 at Great Seneca Elementary School

Meeting summary prepared by Meo Curtis, DEP

WQAG MEETING SUMMARY

June 4, 2008

Agenda Item	Action
	groups. <i>The EAQAC and WQAG agreed to try to develop and distribute position statements by mid-July in order to send comments to Council by the end of July in time for their next consideration of the Forest Conservation amendments.</i> The EAQAC then moved into another room to continue their meeting
3. Approval of Agenda and May Meeting summary/Election of Officers <i>Chair Silverman</i>	Chair Silverman then requested and obtained approval for the agenda and May meeting summary. He then noted the need for officer elections. Larry Silverman was nominated and elected to continue as Chair while Dusty Rood was nominated and elected to continue as Vice-Chair for the coming year.
4. Council Response to letter on Green Area Rules <i>Chair Silverman</i>	Chair Silverman mentioned that Councilmember Mike Knapp, Chair of the Planning, Housing and Economic Development Committee had responded to the WQAG's letter with changes on Zoning Text Amendment 08-01. Copy of the response is attached.
5. Discussion of joint meeting with EAQAC, and directions for future on FCL. <i>Chair Silverman</i>	Chair Silverman noted the need for the WQAG to develop a draft list of issues on the forest conservation law and amendments. <i>He assigned this task to the Planning and Land Use Committee, with a goal of distributing the draft to the rest of the WQAG a few days before the next meeting.</i>
6. Discussion on follow up of Water Resources Element <i>Chair Silverman</i>	Chair Silverman informed the WQAG that the Technical and Regulatory Committee had just begun this follow up and would be organizing a conference call in the near future. <i>He then assigned new members to the standing committees: Erica Goldman to the Technical and Regulatory Committee; Daphne Pee to the Outreach Committee; and Rick Ducey to the Planning and Land Use Committee.</i>
8. WSSC spills <i>Martin Chandler, WSSC</i>	Martin Chandler gave an update on the recent power failure in Prince George's County which resulted in a significant pumping station overflow. This was a repeat of an earlier incident at the same site. The WSSC has begun basin by basin studies for rehabilitating their infrastructure. They are using modeling to evaluate pipe capacity relative to various frequency and intensities of rainfall events as well as visual and camera inspections. Chair Silverman suggested that the WQAG might request a presentation at a future meeting on WSSC infrastructure maintenance and repair needs, funding, and policy in order to develop and submit recommendations.
9. Next Meeting	<p>Concerning position statement on the forest conservation law, Vice-Chair Dusty Rood asked if the WQAG would be framing positions on every element or would it be more feasible to instead identify a more overall framework needed to achieve long-term preservation of forests. He suggested that at the next meeting the WQAG should assign 45 minutes at the next meeting to discuss recommendations.</p> <p>The next meeting will occur at Great Seneca Elementary School, with a tour of its Green Features followed by other Committee business.</p> <p>http://www.montgomeryschoolsmd.org/schools/greatsenecacreekes/</p> <p>13010 Dairymaid Drive Germantown, MD 20874 Ph: 301-353-8500</p>

WQAG MEETING

June 4, 2008

DEP, 255 Rockville Pike, Suite 120, Rockville MD 20850

7:00 p.m.- 9:00 p.m.

[illegible]

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Comparison of Major Differences Between Proposed Changes to Forest Conservation Law

#	Issue	Current FCL	Bill 37-07	Elrich Amendments
1	Definition of Forest	As currently written, consideration is given only to forested area occurring on individual property, even if forested area is part of a larger forest on adjacent properties. However, current implementation considers forested area beyond lot. [22A-3]	Same as written in current FCL. [Circle 4 Line 65]	Requires consideration of forest area "regardless of political or property boundaries." [Circle 71 Lines 64 and 67]
2	Definition of Forest	Specifies a specific number of trees, and a percentage of trees of a particular size, per acre, but does not specify any size or age arrangement of trees. [22A-3]	Same as current FCL. [Circle 4 Line 72]	Same as current FCL. [Circle 71 Line 71]
3	Trigger for application of FCL	Tract of land must be 40,000 sq. ft. or greater for FCL to apply (except when activity would result in disturbance to champion tree, or forest in environmental buffer or special protection area). [22A-4(b), 22A-5(a)(2)(A), 22A-5(n)(2)(A), 22A-5(p)(2)]	Same as current FCL. [Circle 9 Lines 187, 194, 198, 202, 206, 221]	Tract of land must be 10,000 sq. ft. or greater for FCL to apply (except when activity would result in disturbance to champion tree, or forest in environmental buffer or special protection area). [Circle 76 Lines 166, 172, 177, 187, 192, 209]
4	Trigger for review by Park & Planning	Activity requires Sediment Control Permit (disturbance equal to or greater than 5,000 sq. ft.). [22A-4]	Level 1 Review – Same as current FCL. [Circle 8 Lines 181-199] Level 2 Review – Any house, addition or accessory structure (that does not result in the cutting or clearing of more than 40,000 sq. ft. of forest). [Circle 9 Lines 200-234] Level 3 – Agricultural and forestry activities. [Also see #5 below.]	Level 1 Review – Adds to Bill 37-07 by including cutting of forest in environmental buffers, special protection, etc. [Circle 75 Lines 160-184] Level 2 Review – Any house, addition or accessory structure (that does not result in the cutting or clearing of more than 5,000 sq. ft. of forest) [Circle 76 Lines 185-227] Level 3 – Agricultural and forestry activities. [Also see #5 below.]
5	Trigger for review by Park & Planning of agricultural activities	Agricultural and commercial logging and timber harvesting activities are exempt. [22A-5(b-d)]	Agricultural and commercial logging and timber harvesting activities would be subject to Level 3 Review. [Circle 10 Line 235-256]	Same as Bill 37-07. [Circle 76 Line 228-257]

Comparison of Major Differences Between Proposed Changes to Forest Conservation Law

6	Land Use Types	Land Use Types are used to set forest conservation thresholds and afforestation requirements for different land uses and housing density. <i>[22A-12 (a) Table]</i>	Same as current FCL. <i>[Circle 38 Line 957]</i>	Adds two categories: Low Density Residential Area and Highway Rights-of-Way and School Sites. Removes one category: Institutional Development Area. <i>[Circle 86 Line 417]</i>
7	Reforestation Thresholds	Mitigation is required for all forest removed from a tract of land. For forest removed above the applicable threshold, mitigation at a certain rate is required. For additional removal of forest below the threshold, more extensive mitigation is required. <i>[22A-12(a) Table]</i>	Increases reforestation thresholds by 5% except in Agricultural and Resource Areas. <i>[Circle 38 Line 957]</i>	Same as Bill 37-07. <i>[Circle 86 Line 417]</i>
8	Reforestation Ratios	When forest is cleared above the threshold, the requirement is 1/4 acre established for every 1 acre removed. When forest is cleared below the threshold, the requirement is 2 acres established for every 1 acre removed. When mitigation occurs off-site in existing forest, the requirement is 2 acres for every 1 acre of reforestation needed. <i>[22A-4 Definition of Forest Conservation Threshold, 22A-12(c)(1-2), and 22A-12(e)(2)(B)]</i>	Same as current FCL. <i>[Circles 39-40 Lines 989-998 and Circle 42 Line 1072]</i>	When forest is cleared above the threshold, the requirement is 1/2 acre established for every 1 acre removed. When forest is cleared below the threshold, the requirement is the same as Bill 37-07 (2 acres established for every 1 acre removed). When mitigation occurs off-site in existing forest, the requirement is 4 acres for every 1 acre of reforestation needed. <i>[Circle 72 Line 79, Circle 87 Lines 431-440, Circle 89 Line 468]</i>
9	Afforestation Requirements	A site with less than 20% of the net tract area in forest cover must be afforested in accordance with the afforestation percentages. <i>[Section 22A-12(a) Table]</i>	Establishes afforestation requirement of 20% for all Land Use Types except Medium Density Residential Areas, which is 25% and adds a definition. <i>[Circle 3 Line 32 and Circle 38 Line 957]</i>	Establishes afforestation requirement of 20% for all Land Use Types and adds a definition. <i>[Circle 69 Line 20 and Circle 86 Line 417]</i>
10	Fee-in-lieu Rate	The fee-in-lieu rate is set at \$0.90 per sq. ft. This is the estimated cost of purchasing and installing plant material, mulching, watering, controlling invasive plant species, reducing damage from deer browsing, surveying for survival, and replacements.	Same as current FCL.	By a separate resolution, increases the fee-in-lieu to \$2.00 per sq. ft. and adds a mechanism to increase the fee by the percentage amount of the annual average change in the Consumer Price Index. <i>[Circle 99]</i>

Comparison of Major Differences Between Proposed Changes to Forest Conservation Law

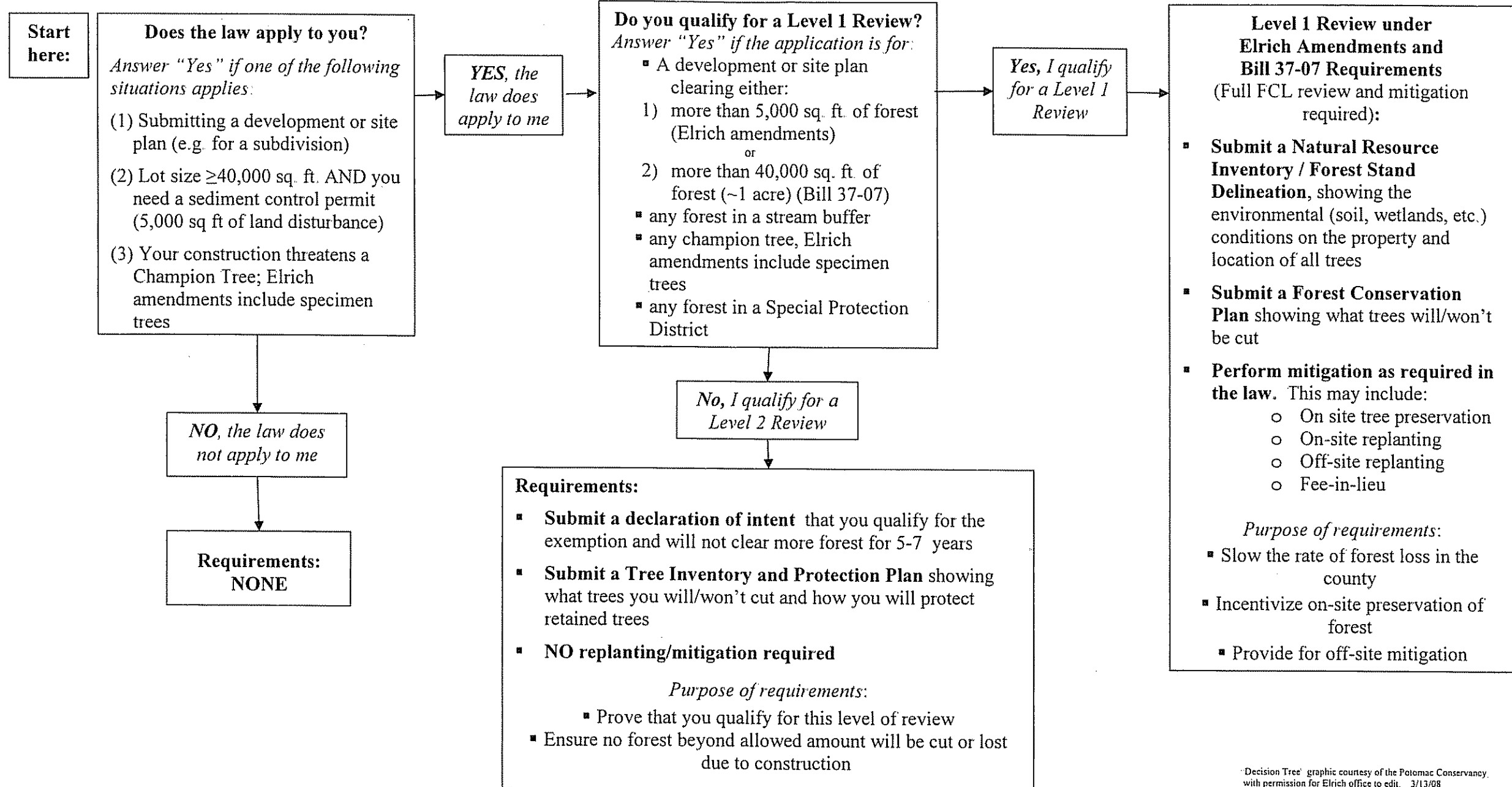
11	Preferred Sequence for Mitigation	Consistent with State FCA giving highest priority to enhancement of existing forest through on-site selective clearing, supplemental planting or both, then on-site reforestation or afforestation. <i>[22A-12(e)(1)(A)]</i>	Changes preference sequence to on-site reforestation or afforestation, then off-site reforestation or afforestation, followed by non-native and invasive management control with supplemental planting. <i>[Circle 41 Line 1030]</i>	Same as Bill 37-07.
12	Maintenance Period Following Planting	Following planting, 2 years of maintenance is required to ensure forest establishment, or sufficient numbers of thriving trees. <i>[22A-12(h)]</i>	Increases all maintenance periods to 5 years. <i>[Circle 46 Line 1182]</i>	Same as Bill 37-07. <i>[Circle 89 Line 477]</i>
13	County Arborist – Section 22A-30	County Arborist is not included in the definitions, it is mandated to perform several functions in the FCL, and qualifications and duties are outlined in Section 22A-30. <i>[22A-30, 22A-5(d)(1)(B), 22A-21(c), 22A-26(f and g)]</i> <i>[Also see #14 and 15 below.]</i>	Retains some mandates to the County Arborist <i>[Circle 11 Line 253, Circle 30 Line 750, Circle 57 Line 1463]</i> and removes others <i>[Circle 60 Lines 1543 and 1549]</i> , as well as Section 22A-30 <i>[Circle 62 Line 1588]</i> . <i>[Also see #14 and 15 below.]</i>	Retains most mandates of the County Arborist <i>[Circle 79 Line 246, Circle 95 Line 609]</i> . Adds additional mandates <i>[Circle 70 Line 35, Circle 81 Line 300, Circle 82 Line 322]</i> . Recommends changing title to Forest Conservation Coordinator throughout FCL and includes an additional duty relative to identifying potential mitigation sites in Section 22A-30 <i>[Circle 97 Line 691]</i> . <i>[Also see #14 and 15 below.]</i>
14	County Arborist	The Planning Director may waive requirements for information in forest conservation and tree save plans that are unnecessary. The County Arborist must review requests for variances to this chapter. <i>[22A-10(b)(3), 22A-21(c)]</i>	Same as current FCL. <i>[Circle 24 Line 601, Circle 26 Line 658, Circle 57 Line 1463]</i>	Requires concurrence with the County Arborist before a waiver for unnecessary information can be granted. Retains review requirement for other variances. <i>[Circle 81 Line 300, Circle 82 Line 322, Circle 95 Line 607]</i>
15	County Arborist	Logging and timber harvest plans are reviewed by the County Arborist to ensure that the plans are not inconsistent with County forest management objectives. <i>[22A-5(d)(1)(B)]</i>	Same as current FCL. <i>[Circle 11 Line 253]</i>	Same as current FCL. <i>[Circle 79 Line 246]</i>

Comparison of Major Differences Between Proposed Changes to Forest Conservation Law

16	Forest Conservation Advisory Board	Section 22A-31 legislates a board to advise the County Executive and County Council on forest and urban forest issues, policies, management, etc. <i>[22A-31]</i>	Deletes Section 22A-31. <i>[Circle 63 Line 1615]</i>	Same as Bill 37-07.
17	Champion Trees	The definition of "champion tree" remains dependent on a list of trees maintained by the Montgomery County Forest Conservancy District Board – a voluntary program within a voluntary board. <i>[Expedited Bill 45-06 Line 5]</i>	Same as current FCL. <i>[Circle 3 Line 44]</i>	Cites the list developed by the Forestry Board but requires that the County Arborist maintain the list. <i>[Circle 70 Line 32]</i>
18	Champion Trees	The definition of "champion tree" includes non-native invasive tree species. <i>[Expedited Bill 45-06 Line 5]</i>	Same as current FCL. <i>[Circle 3 Line 44]</i>	Same as current FCL. <i>[Circle 70 Line 32]</i>
19	Champion Trees	The definition of "champion tree" only protects the largest known individual of each species. <i>[Expedited Bill 45-06 Line 5]</i>	Same as current FCL. <i>[Circle 3 Line 44]</i>	Creates and defines a new term "Champion Tree Class" as the largest known tree of each species and all others within 10% of the point value. <i>[Circle 70 Line 29]</i>
20	Priority areas	References "priority forests" and "priority planting areas," placing higher intrinsic value on them. <i>[22A-11(a)(2)(B), 22A-12(b)(2), 22A-12(e)(3), 22A-12(g)(2)(C-E), 22A-13(e), 22A-27(a)]</i>	Removes several but not all references to priority areas. <i>[Circle 31 Line 794, Circle 39 Line 978, Circle 43 Line 1080, Circle 49 Line 1258, Circle 61 Line 1573]</i>	Same as Bill 37-07.
21	Legal Standing to Residents	No provisions in current FCL.	Same as current FCL.	Gives Montgomery County residents or organizations legal standing to appeal decisions based on materially false, misleading, inaccurate, or incomplete information. <i>[Circle 93, Line 570]</i>
22	Advanced Notice	No provisions in current FCL.	Same as current FCL.	Requires advanced notice in writing, at least 10 days prior to any forest cutting, clearing, or grading activity to the Planning Director and residents of adjoining properties. <i>[Circle 92, Line 545]</i>

FOREST CONSERVATION LAW DECISION TREE

For private development; Does not cover ag/govt/utility projects



Montgomery County Forest Conservation Law



Understanding the Proposed Amendments

June 2008

1

The Proposed Amendments

Two versions are
being considered
by the County
Council:

- Bill 37-07
- Elrich Amendments

The existing language
is a third option.



June 2008

2

Changes to the FCL



June 2008

Bill 37-07

- Reorganized text into 3 levels of review
- Raises conservation thresholds by 5%
- Extends maintenance on plantings from 2 to 5 years, including bonds
- Extends the declaration of intent commitment from 5 years to 7
- Changes the sequence of preferred mitigation

3

Changes to the FCL



June 2008

Elrich Amendments

- Changes land use categories
- Increases ratios of plantings for forest removed and banking
- Gives residents ability to appeal
- Requires notification before clearing
- Increases role of CFCC
- Increases fees-in-lieu
- Adds to the definition of champion tree
- Reduces the amount of disturbance to 5,000 sq ft

4

Understanding the Proposed Amendments



All versions allow forest to be removed.

However, when the FCL applies, the loss of benefits from the forest removed must be mitigated.

June 2008

5

Forest Conservation Law Applies During Subdivision Review

The FCL applies to all land that goes through the subdivision review process in MNCPPC regardless of the size of the property. All versions are the same.



June 2008

6

Forest Conservation Law Applies to BIG Trees



June 2008

The FCL applies to all land that supports a champion tree regardless of the size of the property. All versions are the same.

7

Forest Conservation Law Applies to Forest in environmental Buffers or Special Protection Areas



June 2008

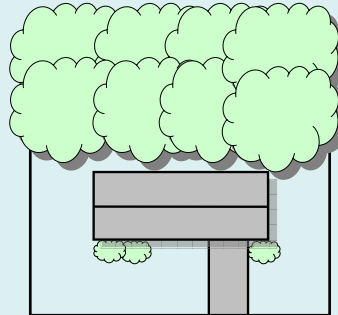
The FCL applies to all land within environmental buffers and SPAs. All versions are the same.

8

How Does the Forest Conservation Law Apply to Single Lots?

The **existing** FCL applies, and mitigation is required on single lots:

- greater than 40,000 sq ft,
- when there is more than 40,000 sq ft of forest disturbance.



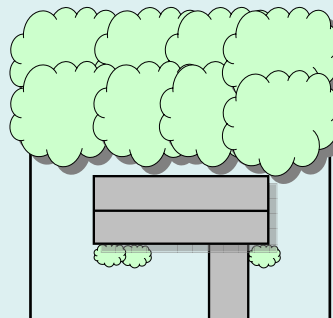
DPS notifies MNCPPC when a lot is **greater than 40,000 sq ft** and **sediment control permit** has been requested.

June 2008

9

The Amendments and the Single Lot

The proposed amendments differ in application on single lots by:



- the **SIZE of LOT**, and
- the **AMOUNT of FOREST DISTURBED.**

June 2008

10

The Amendments and the Single Lot

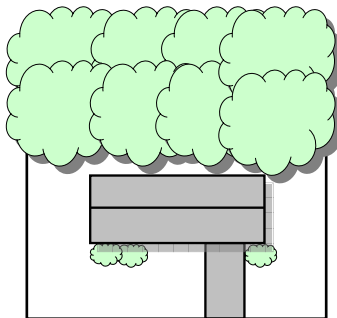
Bill 37-07 applies to lots greater than 40,000 sq ft.

Elrich Amendments applies to lots greater than 10,000 sq ft. BUT, Councilmember Elrich has stated that he would increase this to 40,000 sq ft.

June 2008

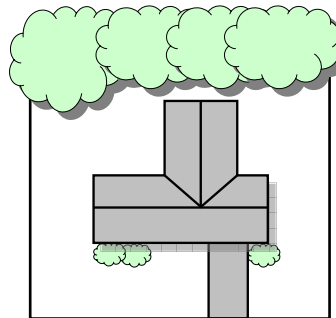
11

Before



- Lot is less than 40,000 sq. ft.
- Forest Area = 10,000 sq. ft.
- No stream buffer, champion tree, etc.

After



- Lot is less than 40,000 sq. ft.
- Forest Loss = 6,000 sq. ft.
- Sediment Control Permit is **required**

Current Forest Conservation Law

- FCL does not apply – lot less than 40,000 sq. ft.

Bill 37-07

- FCL does not apply – lot less than 40,000 sq. ft.

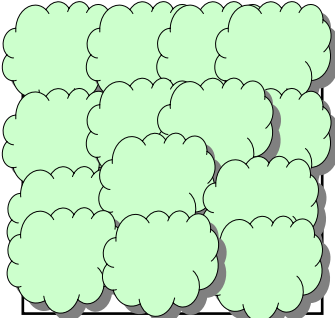
Elrich Amendments

- FCL does not apply – lot less than 40,000 sq. ft.

June 2008

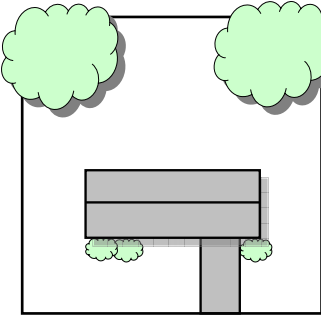
12

Before



- Lot is less than 40,000 sq. ft.
- Forest is less than 40,000 sq. ft.
- No stream buffer, champion tree, etc.

After



- Lot is less than 40,000 sq. ft.
- Forest Loss is less than 40,000 sq. ft.
- Sediment Control Permit is **required**

Current Forest Conservation Law

- FCL does not apply – lot less than 40,000 sq. ft.

Bill 37-07

- FCL does not apply – lot less than 40,000 sq. ft.

Eirich Amendments

- FCL does not apply – lot less than 40,000 sq. ft.

June 2008

13

What's the difference?

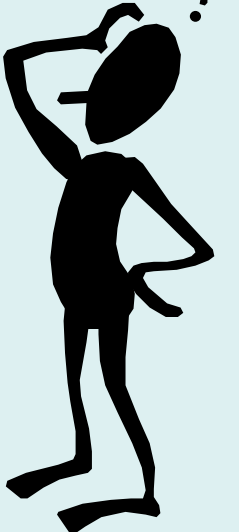
The **type** of disturbance

- A large addition
- A house

BUT the **lot size** is less than 40,000 sq ft.

Therefore, the FCL does not apply.

Same as existing law.



June 2008

14

What happens on single lots greater than 40,000 sq ft?

On single lots greater than 40,000 sq ft, the proposed amendments have different requirements depending on the **amount of disturbance** to forest.



June 2008

15

The Amendments and the Single Lot

Bill 37-07 applies when more than **40,000** sq ft of forest is disturbed.

Elrich Amendments applies when more than **5,000** sq ft of forest is disturbed.

The amount of forest disturbance determines the level of review.

The level of review dictates the mitigation.

June 2008

16

Review the Levels of Review



Level 1 Review

- Natural Resources Inventory
- Forest Stand Delineation
- Forest Conservation Plan

Level 2 Review

- Tree Inventory
- Tree Protection Plan
- Declaration of Intent

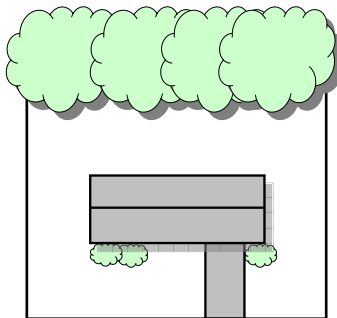
Level 3 Review

- Declaration of Intent

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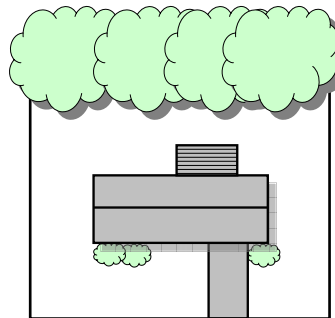
17

Before



- Lot is greater than 40,000 sq. ft.

After



- Lot is greater than 40,000 sq. ft.
- **No** Forest Loss
- Sediment Control Permit is **not required**

Current Forest Conservation Law

- FCL does not apply – lot greater than 40,000 sq. ft. BUT no Sediment Control Permit required

Bill 37-07

- FCL does not apply – lot greater than 40,000 sq. ft. BUT no Sediment Control Permit required

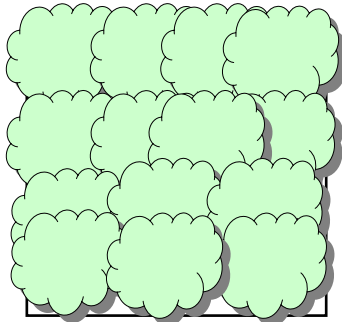
Erich Amendments

- FCL does not apply – lot greater than 40,000 sq. ft. BUT no Sediment Control Permit required

June 2008

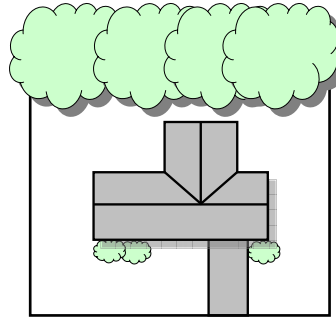
18

Before



- Lot is **greater** than 40,000 sq. ft.
- Forest is **greater** than 40,000 sq. ft.
- No stream buffer, champion tree, etc.

After



- Lot is **greater** than 40,000 sq. ft.
- Forest Loss is greater than 40,000 sq. ft.
- Sediment Control Permit is **required**

Current Forest Conservation Law

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Forest Conservation Plan required – more than 40,000 sq. ft. of forest lost

Bill 37-07

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Level 1 Review required – more than 40,000 sq. ft. of forest lost

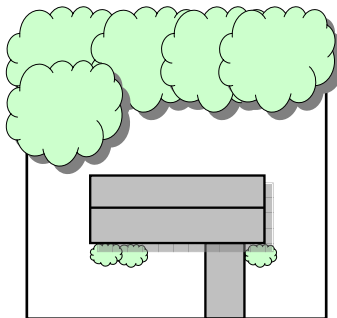
Erich Amendments

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Level 1 Review required – more than 5,000 sq. ft. of forest lost

June 2008

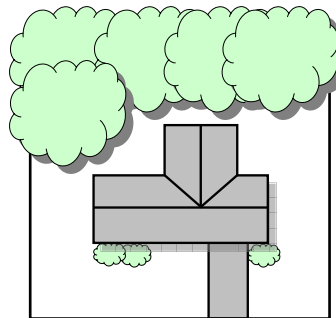
19

Before



- Lot is greater than 40,000 sq. ft.
- Forest area = 12,000 sq. ft.
- No stream buffer, champion tree, etc.

After



- Lot is greater than 40,000 sq. ft.
- Forest Loss is **less** than 5,000 sq. ft.
- Sediment Control Permit is **required**

Current Forest Conservation Law

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Letter of Exemption from Forest Conservation Plan required – less than 40,000 sq. ft. of forest lost

Bill 37-07

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Level 2 Review required – less than 40,000 sq. ft. of forest lost

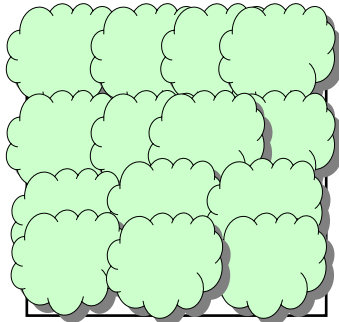
Erich Amendments

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Level 2 Review required – less than 5,000 sq. ft. of forest lost

June 2008

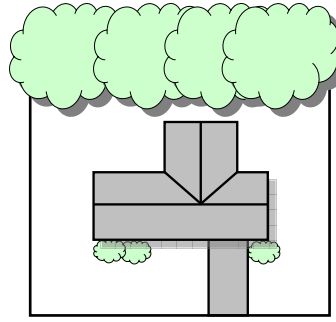
20

Before



- Lot is **greater** than 40,000 sq. ft.
- Forest is **greater** than 40,000 sq. ft.
- No stream buffer, champion tree, etc.

After



- Lot is **greater** than 40,000 sq. ft.
- Forest Loss = 30,000 sq. ft.
- Sediment Control Permit is **required**

Current Forest Conservation Law

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Letter of Exemption from Forest Conservation Plan required – less than 40,000 sq. ft. of forest lost

Bill 37-07

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Level 2 Review required – less than 40,000 sq. ft. of forest lost

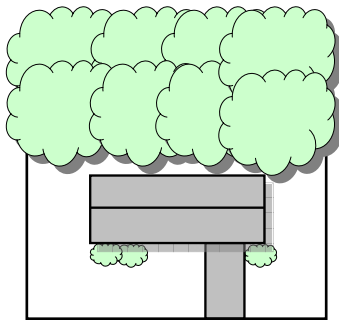
Erich Amendments

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Level 1 Review required – more than 5,000 sq. ft. of forest lost

June 2008

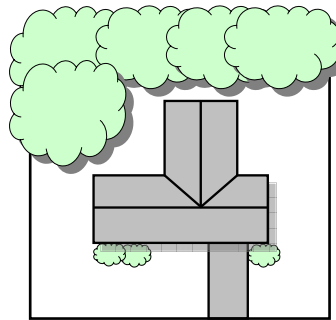
21

Before



- Lot is **greater** than 40,000 sq. ft.
- Forest Area = 20,000 sq. ft.
- No stream buffer, champion tree, etc.

After



- Lot is **greater** than 40,000 sq. ft.
- Forest Loss = 8,000 sq. ft.
- Sediment Control Permit is **required**

Current Forest Conservation Law

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Letter of Exemption from Forest Conservation Plan required – less than 40,000 sq. ft. of forest lost

Bill 37-07

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Level 2 Review required – less than 40,000 sq. ft. of forest lost

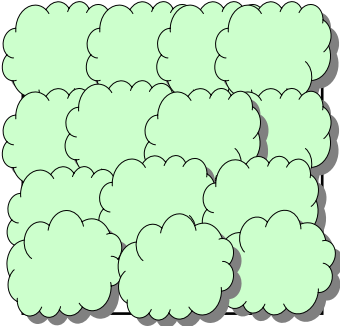
Erich Amendments

- FCL applies – lot greater than 40,000 sq. ft. AND Sediment Control Permit required
- Level 1 Review required – more than 5,000 sq. ft. of forest lost

June 2008

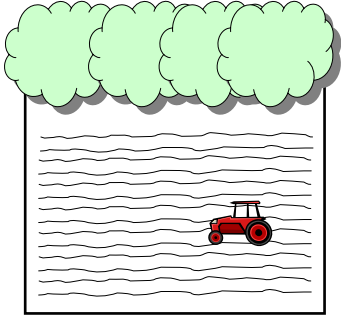
22

Before



- Lot is **greater** than 40,000 sq. ft.
- **Exempt** from platting under Section 50-9

After



- Lot is **greater** than 40,000 sq. ft.
- **Exempt** from platting under Section 50-9
- Sediment Control Permit is **not required**
- Forest loss **greater** than 40,000 sq. ft.

Current Forest Conservation Law

- FCL does not apply – agricultural activities exempt

Bill 37-07

- FCL does not apply – agricultural activities exempt

Elrich Amendments


- FCL does not apply – agricultural activities exempt

June 2008

23

Table of Differences

A summary of the differences between Bill 37-07 and the Elrich Amendments is found in the table.

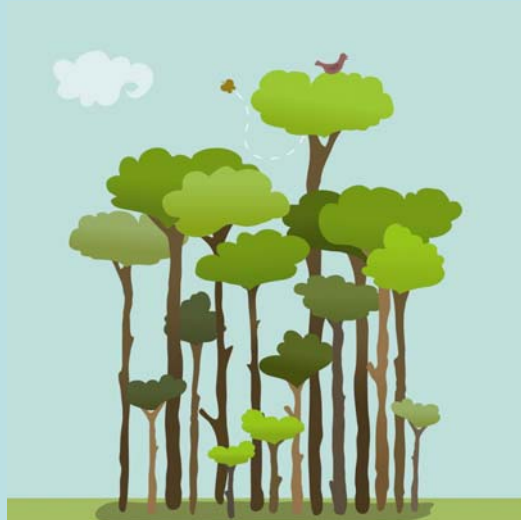


June 2008

24

Decision Tree

A decision tree was developed to help understand when the law applies.



June 2008

25

-----Original Message-----

From: Larry Silverman [mailto:ljoelsilverman@gmail.com]

Sent: Monday, June 02, 2008 12:29 PM

To: Charles Andrews; Daphne Pee; Plummer, David C.; Doug Redmond; Dusty Rood; Eileen Straughan; Fred Samadani; Glenn Moglen; Jill Coutts; Kathleen Fulcomer; Larry J. Silverman; Lonnie Luther; Mark Symborski; Martin Chandler; Mary Segall; Curtis, Meosotis; Mike Smith; Rick Ducey; Tanya Spano; Scott Kauff; Brandt, Edward

Subject: Fwd: Council Reply

----- Forwarded message -----

From: **Montgomery County Council** <County.Council@montgomerycountymd.gov>

Date: Mon, Jun 2, 2008 at 12:14 PM

Subject: Council Reply

To: ljoelsilverman@gmail.com

Dear Mr. Silverman:

Thank you for your correspondence regarding your concerns about ZTA 08-01. The County Council appreciates having the benefit of your views. As the Council President, I'm pleased to respond on behalf of the County Council.

The Planning, Housing, and Economic Development Committee will conduct another worksession on ZTA 08-01 on June 26, 2008. The Committee will consider all facts and opinions on ZTA 08-01 before making its recommendation to the full Council. The treatment of pervious surfaces will certainly be a topic of their conversation.

I appreciate your taking the time to write and share your views on this issue. Your recommended changes to the text of the proposed ZTA will help the Committee and the Council focus on mandating water quality functions for green areas.

Thank you for serving as Chair of the Water Quality Advisory Group.

Sincerely,

Michael J. Knapp

Council President

035848